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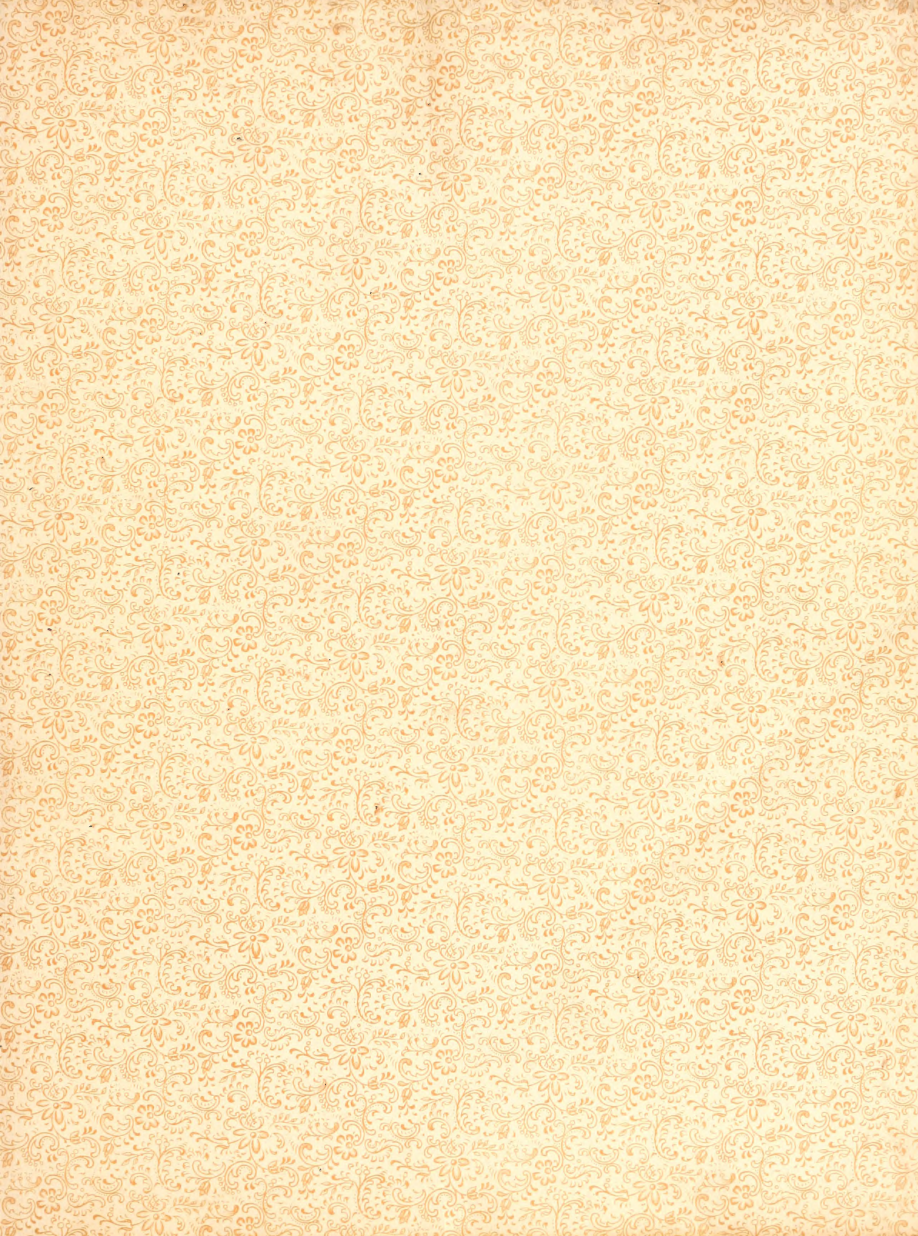


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THE VIRGINIA COMMITTEE SYSTEM AND THE REVOLUTION

By

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## PREFACE

In the pages of this study, the author has attempted to give a thorough analysis of the Virginia committees, tracing the use of the committee as a regular agency in the transaction of legislative business in the procedure of the House of Burgesses; and examining the Committee of Correspondence for communicating with the colonial agent; the Intercolonial Committee of Correspondence; the County Committees of Intelligence, Observation, and Safety; and the Virginia Committee of Safety. The development of the legislative standing committees and their relationship to the later committees of the period from 1773 to 1776, he has endeavored to trace, seeing in the growth of the system of committees and its adaptation to colonial needs an institutional continuity, which he has duly emphasized.

In the title of this study the term "Revolution" is used in its broad sense, the author having in mind not the <sup>alone</sup> actual conflict between Great Britain and her American Colonies but the more far-reaching changes, which for many years had been slowly, but surely, operating to drive them apart. While this study, in so far as it is chiefly concerned with organization of political agencies, is primarily political, the author has tried to take into consideration, and in some cases to discuss, the economic and social factors underlying the most significant movements.

The obligations of the author to Doctor H.J.Eckenrode and Mr. Earl G. Swem, of the Virginia State Library; to Mr. W.G.Stanard, of the Virginia Historical Society; and to Mr.Galliard Hunt and his as-





sistants in the Manuscripts Division of the Library of Congress, are gratefully acknowledged. To Professor James Curtis Ballagh, under whose guidance this study was begun, the author is particularly indebted both for the choice of a subject and valuable suggestions in its treatment. Suggestions and advice from Professor J.M. Vincent have been helpful to the author at various stages of his work and for these he wishes to express his gratitude. To Professor John H. Latané, under whose direction this work has been completed, the author wishes to express his indebtedness for guidance and advice that have proved well nigh invaluable.

James Miller Leake.



## Chapter I.

## THE SYSTEM OF LEGISLATIVE COMMITTEES IN THE HOUSE OF BURGESSES.

That the Virginia House of Burgesses, the first legislative assembly to meet in America, should have transacted its business along lines of procedure similar to, if not identical with, those followed in the British House of Commons before the development of the Cabinet or Ministerial form of government, is not at all strange. Virginia was first settled nearly entirely by English people, and it is only natural that they should have brought with them to America a deep love for the mother country, and for her institutions. When Governor Yeardley, in June, 1619 summoned the assembly to its first meeting, he called together a body of men who had no legislative precedents to follow save those derived from English Parliamentary procedure. In its governmental institutions the infant colony was largely influenced by English experience, throughout its various branches of government English institutions served as models and it was upon an English basis that the structure of colonial government was build<sup>t</sup>~~ed~~. However, these English institutions were soon modified to meet colonial needs, and gradually there grew up in the Virginia House of Burgesses, a committee system of legislative procedure that has entered into the very warp and woof of our governmental fabric. A system of English legislative committees, transplanted from the mother country, during a long period, took on new forms and added importance in legislation for the colony; and has become the very ground-work of the American legislative system. In England, the committee system gradually narrowed down, of government; and lost in importance with the rise of the Ministerial or Cabinet form.









most of the first party who rendered aid to the first settlers. That John  
Parr, the ~~Secretary~~ of the colony, was chosen ~~moderator~~, and that John Yeats  
was ~~one~~ ~~of~~ ~~the~~ ~~first~~ ~~settlers~~. Many other business transacted in the proceedings re-  
ferred to have been translated, the ~~collected~~ ~~and~~ the ~~constitution~~ for establishing the  
Council of ~~State~~ and the ~~General~~ ~~Assembly~~. The ~~minutes~~ which Yeats had  
brought out from England ~~and~~ ~~which~~ ~~had~~ ~~been~~ ~~referred~~ ~~to~~ ~~several~~ ~~occasions~~ ~~the~~  
examination; so that if they had omitted therein "not perfectly satis-  
fying with the state of the colony, or any one transacting a similar business"  
the assembly might petition for its redress, especially because they took  
of them this great charter as designed "to bind us and our heirs forever,"  
after due inquiry had been made, the charges from Martin's patent were  
avoided, and the assembly "bound themselves" of the Virginia Company ~~was~~  
an intercession of that company in Martin's patent, allowing him to enjoy  
his lands as usual in any form of service in England. "The least the assen-  
bly can allege against this company," said the ~~business~~, "is, that it is ob-  
scure, and that it is a thing impossible for us here to know the particu-  
larization of legislative power in the ancient Dominion exceeded the toler-  
ance of negro slavery which we will believe it is destined also to sur-  
vive. The earliest assembly in the midst of the primitive thirteen states,  
at its first meeting, took measures "towards the erecting of a "Univer-  
sity and College," care was also taken for the education of Indian child-  
ren. Extravagance in dress was not prohibited, but the pointers were re-  
sisted by laws on dress in apparel. On the whole, the measures of these  
Provincials will justify the opinion of Sir James Oglethorpe, that they  
were very well and judiciously carried." The different functions of gov-  
ernment have been performed, and the laws have not been confined  
to any one thing, but a universal interest attached to the first  
elective body represented the people of Virginia, even then a year before  
the Mayflower, with the Pilgrims, sets the mother of Southwestern, and while  
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manent standing committees, with either but equally definite functions, is a process of evolution accomplished in the period between 1610 and 1637. In the House of Burgesses for the session of December, 1610, we find a committee for a review of the laws, consisting of a chairman and three members, and a committee for a review of the petitions of a chairman and seven members. In the session of 1611, we find two committees for the review of the laws presented their work to the Assembly, by whom ~~the~~ their revised was accepted, on March 31, 1611. Again in the session of 1612, there ~~is~~ were three committees for the review of the laws and regulation of the rules, and for the ~~the~~ purpose of the inconveniences or regularly alterations.<sup>7</sup> From this time down to 1637, when the method of appointing a committee began to be used, we find committees ~~in~~ the House.

In 1637 the House appointed a committee of eight, whose duty it was to audit the accounts of the Burgesses of the shires and the. This committee was empowered to examine witnesses, administer oaths, and to use all other legal means to determine the accuracy of such accounts.<sup>8</sup>

<sup>7</sup>Hening, *Statutes at Large*, I, 422, 423.

<sup>8</sup>Ibid., I, 401. Hening quotes from the Journal of the House as follows:

"This day all the former acts having been perused by the committee for viewing and rectifying the same by the said committee presented to the House, where being read and seriously discussed they were approved of by the House and a committee appointed to present the same to the Governor and Council, and to advise with him and his council about the explanation or alteration of any seeming difficulties or inconveniences, yet with this limitation not to assent to any thing of consequence without the consultation of the House."

<sup>9</sup>Hening, I, 512.

<sup>10</sup>Jameson, *The Origin of the Standing-Committee System*, pp. 262-263.

<sup>11</sup>Hening, I, 445, 446.









During the session of 1702 the Journal of the House of Burgesses records the appointment of three standing committees, namely, public duties, elections and privileges, and nominations and resolutions.<sup>17</sup> On March 10, 1703, Messrs. Blount, Marmion, Jackson, and Trenchard, members of the House of Burgesses, were named by that body, a committee to investigate and examine the Treasurer's accounts.<sup>18</sup> On March 18, it was ordered that the standing committees "shall select and appoint themselves to sit in 11am and to send for persons, records, documents and other papers" which they might have occasion to use. Some idea of the importance of these committees may be gathered from the fact that the Clerk of the House was ordered to post a notice of their place of meeting.<sup>19</sup>

A careful perusal of the Journal for the session of 1702-1703 shows that the three standing committees of this time, the Committee for public duties, consisting of <sup>the</sup> four members, the nominations and resolutions, made up of ten members, and for elections and privileges, with five members, were actively performing much of the routine work of the House of Burgesses. So important was their work that in 1701 was assigned a clerk, whose duty it was to keep a record of the proceedings of the committee. The findings of these committees were reported to the State House, which considered and

<sup>17</sup> Journals of the House of Burgesses, 1702-1703, 1703-1704, 1704-1705, 1705-1706, 1706-1707, pp. 6, 7.

<sup>18</sup> Ibid., p. 14. <sup>19</sup> Ibid., pp. 9, 10. "Ordered that the Clerk of ye House publish ye latest time set by ye House for receiving propositions Grievances & publick Duties before this Session by Writing At a fair Copy of ye Minutes of ye House in that behalf as is Colledge Hall ordered That as the Clerk of ye House publish the place where ye Committee of Grievances & Propositions, and the Committee of publick Duties are to sit, also in ye Upper Room of ye Colledge where they commonly sit, ye Committee to Communicate thereof at ye Colledge door." On account of a fire which had destroyed the State House At Jamestown, October 31, 1701, this session of the Assembly was held in the College Hall of William & Mary at Williamsburg.



















all of their findings ~~was~~ <sup>be</sup> <sup>ed</sup> to report to the committee of the whole house.

When matters that were deemed of sufficient importance the House of Burgesses often resolved itself into a committee of the whole House. In such a case the procedure was as follows: the ~~business~~ <sup>business</sup> of the ~~House~~ <sup>House</sup> (and ~~the~~ <sup>the</sup> ~~House~~ <sup>House</sup> and his order was taken by the chairman of the committee to allow the business in question had been referred. After a discussion of the question by this committee the ~~chairman~~ <sup>chairman</sup> ~~of the committee~~ <sup>of the committee</sup> and the chairman of the committee took his report of the proceedings of the committee of the whole. To clearly understand this procedure the following historical illustration will be given. On October 12, 1780 the committee for ~~revision~~ <sup>revision</sup> of the laws reported a bill introduced by the President of the General Court and for the raising and settling the ~~proceedings~~ <sup>proceedings</sup> ~~which~~ <sup>which</sup> ~~had~~ <sup>had</sup> ~~been~~ <sup>been</sup> ~~read~~ <sup>read</sup> and after the first reading was referred to a committee of the whole House. A day later they got the bill considered. After several postponements the bill was considered in the committee of the whole House on November 10, 1780. On November 10, 1780, Peter B. Henry reported, <sup>from the committee,</sup> that the committee had ~~not~~ <sup>not</sup> ~~passed~~ <sup>passed</sup> ~~the~~ <sup>the</sup> ~~bill~~ <sup>bill</sup> ~~in~~ <sup>in</sup> ~~the~~ <sup>the</sup> ~~committee~~ <sup>committee</sup> ~~of~~ <sup>of</sup> ~~the~~ <sup>the</sup> ~~whole~~ <sup>whole</sup> ~~House~~ <sup>House</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~10th~~ <sup>10th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~11th~~ <sup>11th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~12th~~ <sup>12th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~13th~~ <sup>13th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~14th~~ <sup>14th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~15th~~ 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<sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~21st~~ <sup>21st</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~22nd~~ <sup>22nd</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~23rd~~ <sup>23rd</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~24th~~ <sup>24th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~25th~~ <sup>25th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~26th~~ <sup>26th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~27th~~ <sup>27th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~28th~~ <sup>28th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~29th~~ <sup>29th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~30th~~ <sup>30th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~31st~~ <sup>31st</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~1st~~ <sup>1st</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~2nd~~ <sup>2nd</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~3rd~~ <sup>3rd</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~4th~~ <sup>4th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~5th~~ <sup>5th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~6th~~ <sup>6th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~7th~~ <sup>7th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~8th~~ <sup>8th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~9th~~ <sup>9th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~10th~~ <sup>10th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~11th~~ <sup>11th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~12th~~ <sup>12th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~13th~~ <sup>13th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~14th~~ <sup>14th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~15th~~ <sup>15th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~16th~~ <sup>16th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~17th~~ <sup>17th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~18th~~ <sup>18th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~19th~~ <sup>19th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~20th~~ <sup>20th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~21st~~ <sup>21st</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~22nd~~ <sup>22nd</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~23rd~~ <sup>23rd</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~24th~~ <sup>24th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~25th~~ <sup>25th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~26th~~ <sup>26th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~27th~~ <sup>27th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~28th~~ <sup>28th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~29th~~ <sup>29th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~30th~~ <sup>30th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~31st~~ <sup>31st</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~1st~~ <sup>1st</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~2nd~~ <sup>2nd</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~3rd~~ <sup>3rd</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~4th~~ <sup>4th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~5th~~ <sup>5th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~6th~~ <sup>6th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~7th~~ <sup>7th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~8th~~ <sup>8th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~9th~~ <sup>9th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~10th~~ <sup>10th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~11th~~ <sup>11th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~12th~~ <sup>12th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~13th~~ <sup>13th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~14th~~ <sup>14th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~15th~~ <sup>15th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~16th~~ <sup>16th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~17th~~ <sup>17th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~18th~~ <sup>18th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~19th~~ <sup>19th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~20th~~ <sup>20th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~21st~~ <sup>21st</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~22nd~~ <sup>22nd</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~23rd~~ <sup>23rd</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~24th~~ <sup>24th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~25th~~ <sup>25th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~26th~~ <sup>26th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~27th~~ <sup>27th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~28th~~ <sup>28th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~29th~~ <sup>29th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~30th~~ <sup>30th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~31st~~ <sup>31st</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~1st~~ <sup>1st</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~2nd~~ <sup>2nd</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~3rd~~ <sup>3rd</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~4th~~ <sup>4th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~5th~~ <sup>5th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~6th~~ <sup>6th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~7th~~ <sup>7th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~8th~~ <sup>8th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~9th~~ <sup>9th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~10th~~ <sup>10th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~11th~~ <sup>11th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~12th~~ <sup>12th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup> ~~13th~~ <sup>13th</sup> ~~inst.~~ <sup>inst.</sup> ~~and~~ <sup>and</sup> ~~on~~ <sup>on</sup> ~~the~~ <sup>the</sup>



to be here, literally seen the first House of Burgesses, that of 1619, was composed of 19 Gentlemen only. The records of the General Assembly of October, 1629, show that thirty-five Burgesses were present at that session, the Eastern Shore representatives not attending.<sup>27</sup> The records of the House of Burgesses for the session of March, 1647, show that 100 of the Virginia counties were represented by twenty-seven Burgesses;<sup>28</sup> in the session of November, 1656, sixteen counties sent 37 thirty-eight representatives;<sup>29</sup> while in March, 1686, seventeen counties furnished forty-four Burgesses.<sup>30</sup>

During the period 1619 to 1686, it is known that there was a fluctuation of the number of Burgesses returnable from each county, some counties sending only one representative; while others sent two, three, four, five, or even as many as six Burgesses to a session of the Assembly. In the Assembly of March, 1686, an Act of Assembly was passed for regulating the number of Burgesses.<sup>31</sup> The preamble of this act states that it was passed because the "charge of assemblies was much augmented by the great number of Burgesses unnecessarily chosen to several parishes." In order to decrease this difficulty it was enacted that no county should send more than two Burgesses, who should be elected in the county seat of each county; but it was provided that James City [Jamestown] should be allowed the

<sup>27</sup>Henings, Statutes at Large, I, 139, 140. <sup>28</sup>Ibid., 230. <sup>29</sup>Ibid., 246, 247.

<sup>30</sup>Ibid., 247, 248, 250.

<sup>31</sup>~~Henings~~ Henings, II, 100. The text of this act is as follows: "Whereas the charge of assemblies is much augmented by the great number of Burgesses unnecessarily chosen by the severall parishes, Be it enacted that hereafter noe county shall send above two burgesses who shalbe elected at those places in each county, where the county courts are usually kept; provided always that James City, being the metropolis of the country shall have the privilege to elect a burgesse for themselves, and every county that will lay out one hundred acres of land, and people itt with one hundred tithable persons, that place shall enjoy the like privilege."













counties with the Burroughs, and William and Philip and Mary  
 together with one Burgess each. The number of Burgesses in the House  
 varied in the *assembly* required at that time with the *assembly* of  
 1742-1743, when the representatives of the eight great counties of  
 the colony and New Kent signed the petition for the *assembly*;  
 the *assembly* of 1742-1743, however, was composed of six great  
 Burgesses, of whom six, the eight great counties, and three,  
 the corporations of London, Williamsburg, and William and Mary Col-  
 lege; while the *assembly* of 1742-1743 seems to have been attended by  
~~the~~ the six great Burgesses, representing thirty-eight counties and four  
 corporations, New Kent seems to have sent only one Burgess.

In the fourth decade of the eighteenth century the counties  
 had begun to send up to the House of Burgesses the number of representa-  
 tives required by the law of the colony and to the ability of the  
 century the Burgesses the eight counties were returned with great regu-  
 larity, the *assembly* of 1742-1743 was attended by representatives from  
 and from thirty-eight counties and four corporations, while the House  
 of Burgesses in the *assembly* of 1742-1743 was composed of thirty-eight  
 members returned by the counties and four corporations,<sup>38</sup> each county  
 having elected two representatives and the cities of Norfolk, Waver-  
 ham, and Williamsburg, and the College of William and Mary, one each.

The colony had now become a union, ~~the~~ new counties were being  
 created by the "General Assembly" and with this growth of counties, ~~the~~

38 Journals of the House of Burgesses, 1702/3-1705, 1705-1706, 1710-  
 1712, lists of members in 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720-1721, 1722-1723, 1724-1725, 1726-1727, 1728-1729, 1730-1731, 1732-1733, 1734-1735, 1736-1737, 1738-1739, 1740-1741, 1742-1743, 1744-1745, 1746-1747, 1748-1749, 1750-1751, 1752-1753, 1754-1755, 1756-1757, 1758-1759, 1760-1761, 1762-1763, 1764-1765, 1766-1767, 1768-1769, 1770-1771, 1772-1773, 1774-1775, 1776-1777, 1778-1779, 1780-1781, 1782-1783, 1784-1785, 1786-1787, 1788-1789, 1790-1791, 1792-1793, 1794-1795, 1796-1797, 1798-1799, 1800-1801, 1802-1803, 1804-1805, 1806-1807, 1808-1809, 1810-1811, 1812-1813, 1814-1815, 1816-1817, 1818-1819, 1820-1821, 1822-1823, 1824-1825, 1826-1827, 1828-1829, 1830-1831, 1832-1833, 1834-1835, 1836-1837, 1838-1839, 1840-1841, 1842-1843, 1844-1845, 1846-1847, 1848-1849, 1850-1851, 1852-1853, 1854-1855, 1856-1857, 1858-1859, 1860-1861, 1862-1863, 1864-1865, 1866-1867, 1868-1869, 1870-1871, 1872-1873, 1874-1875, 1876-1877, 1878-1879, 1880-1881, 1882-1883, 1884-1885, 1886-1887, 1888-1889, 1890-1891, 1892-1893, 1894-1895, 1896-1897, 1898-1899, 1900-1901, 1902-1903, 1904-1905, 1906-1907, 1908-1909, 1910-1911, 1912-1913, 1914-1915, 1916-1917, 1918-1919, 1920-1921, 1922-1923, 1924-1925, 1926-1927, 1928-1929, 1930-1931, 1932-1933, 1934-1935, 1936-1937, 1938-1939, 1940-1941, 1942-1943, 1944-1945, 1946-1947, 1948-1949, 1950-1951, 1952-1953, 1954-1955, 1956-1957, 1958-1959, 1960-1961, 1962-1963, 1964-1965, 1966-1967, 1968-1969, 1970-1971, 1972-1973, 1974-1975, 1976-1977, 1978-1979, 1980-1981, 1982-1983, 1984-1985, 1986-1987, 1988-1989, 1990-1991, 1992-1993, 1994-1995, 1996-1997, 1998-1999, 2000-2001, 2002-2003, 2004-2005, 2006-2007, 2008-2009, 2010-2011, 2012-2013, 2014-2015, 2016-2017, 2018-2019, 2020-2021, 2022-2023, 2024-2025, 2026-2027, 2028-2029, 2030-2031, 2032-2033, 2034-2035, 2036-2037, 2038-2039, 2040-2041, 2042-2043, 2044-2045, 2046-2047, 2048-2049, 2050-2051, 2052-2053, 2054-2055, 2056-2057, 2058-2059, 2060-2061, 2062-2063, 2064-2065, 2066-2067, 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the establishment of another standing committee, - the committee for courts of justice, gradually to be assumed by that committee.<sup>49</sup> During this same session a committee of four members was appointed by the House of Burgesses whose duty it was to apportion the public levy, a duty comparable to that devolving upon the finance committee of modern legislative bodies.<sup>50</sup>

The session of the assembly of 1715, which lasted a little longer than one month, when it was dissolved by Governor Spotswood, passed only three acts, and none of them of very great importance; for its time was largely taken up by a dispute between the House of Burgesses on one side and the Governor and Council on the other. In this dispute feeling ran high on either side, and the executive indulged in some rather intemperate and ill-timed language towards the<sup>51</sup> members of the House whom he deemed recalcitrant. This abuse of the House of Burgesses by their Governor, especially evident in his speech at the closing of the Assembly, seems to have been largely unmerited, for a careful examination of the disputed questions will convince the student that the <sup>unbiased</sup> ~~House of~~ Burgesses were acting wholly within their rights as representatives of the people. As regards the duties and responsibility of representatives to their constituents, the Burgesses who opposed Governor Spotswood at this time seem to have held <sup>a</sup> higher and more advanced conception of representation than did either the chief executive or his Council; and the main criticism directed against the offending Burgesses seems to have been the fact that they considered their duties to their constituents as of prime importance.<sup>51</sup>

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<sup>49</sup> Journals of the House of Burgesses, 1712-1714, 1715, 1718, 1720-1722, 1723-1726, p. 103.

<sup>50</sup> Ibid, p. 115.

<sup>51</sup> Ibid, pp. 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170. and Introduction to same by Dr. H. R. McIlwaine, pp. xxix to xxxiii.





The Governor seems to have judged the Burgesses by the standards of representation then current in England, where "rotten boroughs" abounded; and where the people of many communities had only a virtual representation in Parliament: the Burgesses believed that they were responsible to the constituencies who sent them up, and had replaced the older English ideas of virtual representation by a system of direct election, in which every freeholder was compelled by law to vote. The "old order" had changed yielding place to new, <sup>and</sup> virtual representation, such as the mother country had and believed in, had been changed in the colony into actual and real representation. In the closing part of the <sup>executive</sup> address there is a protest against ~~these~~ ideas of popular representation, and an expression of a sentiment always believed in by the privileged classes- the idea that only the classes with property and a great stake in affairs should dictate governmental measures. Even today this protest of Governor Spotswood has a familiar ring, for now, as then, it <sup>is</sup> ~~was~~ the rallying cry of privilege. In protesting against the measures of the Burgesses who had opposed him the Governor said:

" This Body of Gentlemen, [the Council] as well as those few among you, who have all along dissented from your wild Proceedings, [Those of the Burgesses who sided with the Governor and Council] must be ~~xxx~~ <sup>far</sup> allowed to have <sup>far</sup> greater concerns in Virginia, than all the Grand Governing Body of your House; So cannot be Suspected of having less at heart, than you, the Interest of the Country; and considering their parts and Stations, I must acknowledge them to be the best Judges thereof.

"But to be plain with you, the true Interest of your Country, is not what you have troubled your heads about; all your proceedings



have been calculated to Answer the Notions of the ignorant Populace; And if you can Excuse your Selves to them, you matter not how you Stand before God, your Prince, and all Judicious men, or before any others to whom, you think, you owe not your Elections."<sup>52</sup>

One of the most interesting and exciting ~~and exciting~~ cases dealt with by the *General Assembly* at any session during its entire existence as a legislative body came up for consideration during this session,<sup>53</sup> - the question whether the justices of any county could refuse to certify to the *Assembly* properly signed propositions and grievances or public claims. On August 4th, the second day of the session, two complaints were laid before the House of Burgesses; <sup>One complaint</sup> charging the justices of New Kent county with having refused to certify some propositions and grievances "from the County of New Kent Signed by Several of the Inhabitants of the Said County", which the Clerk of the New Kent Court, who was examined before the whole House touching the matter, testified had been refused by the justices of the said court.<sup>54</sup> The other complaint was against the justices of Richmond county, and grew out of the fact that several public claims of that county, which had been presented to the House uncertified, were excused on the grounds that the said justices had neglected to meet and hold the court for the certification of claims, and propositions and grievances as required by the law.<sup>55</sup>

As regards the certification of both public claims and propositions and grievances the law was plain and specific. The act of *Assembly*

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<sup>52</sup> Ibid, p. 170.

<sup>53</sup> Ibid, Introduction, pp. xxx to xxxii.

<sup>54</sup> Ibid, p. 124.

<sup>55</sup> Ibid, pp. 124, 125.



of October, 1705, which was still in force, provided that at the time and place of election of Burgesses for each county, the sheriff, or in his absence, the under-sheriff of the said county, at the door of the courthouse should by public proclamation, three times made, between the hours of one and three in the afternoon, give notice of the time appointed for a court to be held for receiving and certifying to the next session of the *general* assembly the propositions and grievances, and public claims of "all and every person and persons within his county". It was further provided that these propositions and grievances or public claims should be signed by the person or persons presenting them to the court; and thereupon the chief-magistrate then present, or the clerk, by the direction of of the court, was ordered to certify such documents up to the General Assembly, sending them to the Burgesses of the county for presentation to the assembly.<sup>56</sup>

The act did not give to the justices the power of examining the propositions, grievances, or public claims for the determination of their justice or validity. ~~no discretionary or judicial power was given the justices in this matter.~~ Their function in the certifying of the documents in question seems to have been the purely administrative one of properly certifying ~~all such papers.~~ <sup>the papers in question.</sup> The work of sifting these and determining which should be considered favorably by the *general* assembly was the function of the assembly, who referred their consideration to the standing committees of public claims, and of propositions and grievances. After these committees had reported favorably or unfavorably on the documents submitted to them by the assembly, the ~~committee~~ <sup>acted</sup> reports were ~~passed~~ <sup>passed</sup> on by the House,

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<sup>56</sup> Hening, Statutes at Large, iii, 245, 246.



<sup>then</sup> and <sup>the</sup> sent up to the Council for <sup>if had been</sup> ~~that body's~~ concurrence. Unless the justices of each county certified the public claims and the propositions and grievances presented to the court by the individuals of that county, there was no way of regularly presenting these claims to the General Assembly, and so these matters would not receive the attention of the legislature. The House of Burgesses acted promptly in both of these complaints which had been made to them. On the very day of the filing of these complaints the House of Burgesses ordered that the justices of the county of Richmond, who had neglected to hold the court for the certification of claims and of propositions and grievances, should be prosecuted by the Attorney-General of the colony for neglect of these duties: and that the claims from the county of Richmond should "be Referred to the Consideration of the Committee for Publick Claims to Examine the Matter thereof and Report the Same with their Opinion thereon to the House." After the clerk of the county-court of New Kent county had been called in and examined by the House concerning the complaint from that county, it was ordered that the offending justices, Messrs. George Keeling, Richard Littlepage, Thomas Butts, and Alexander Walker should be sent for in custody of the Messenger of the House, and the Speaker was ordered to issue his warrant accordingly.

On August 9th, Richard Littlepage and Alexander Walker, who had been arrested by the Messenger, were brought before <sup>Referred</sup> the House for ~~their examination before the bar of that body;~~ after they had been examined they were ordered to make "an humble acknowledgment of their error at the bar of the House," and then receive the reprimand of the Speaker. Mr. Walker acted in accordance with the judgment of the Burgesses, and was discharged from custody after he had paid the fees, but Mr. Littlepage obstinately refused to obey the orders of the House of Burgesses, and was ordered to





to be kept in the custody of the Messenger.<sup>57</sup> On August 12th Mr Littlepage and Mr Butts, who had in the meantime been placed under arrest, but who had not as yet appeared before the bar of the House, made their escape from custody. Upon being informed of the escape of these two justices, the House summoned before its bar the Messenger who had been given the custody of the prisoners. After he had been examined he was judged guilty of a misdemeanor and neglect ~~in~~ in the execution of his office. Messrs. Littlepage and Butts were declared guilty of a "high misdemeanor and contempt of the authority" of the House; and it was ordered that they be pursued and taken again into custody.<sup>58</sup> The execution of this order was assigned to a new Messenger immediately commissioned by the Governor. When the orders of the House had been communicated to Messrs. Littlepage and Butts, both of these gentlemen refused to give themselves up, saying that the House had no authority to send for them.<sup>59</sup> When the Messenger informed the House of the refusal of the two justices to give themselves up, that body resolved "That an Humble Address be presented to the Governor that he would be pleased to give Such Orders and Directions as his Honour Shall think proper and necessary for the bringing the Said Littlepage and Butts before this House to Answer for their Repeated Contempts of the Authority of this House"; and it was ordered that the Committee of elections and privileges should prepare and bring in the said address.<sup>60</sup> On the next day, August 16th, Mr Corbin, chairman of the committee of elections and privileges, reported this address, which was adopted by the House, signed by the Speaker, and

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<sup>57</sup> Journals of the House of Burgesses, 1712-1714, 1715, 1718, 1720-1722, 1723-1726, pp. 130, 131,

<sup>58</sup> Ibid, pp. 135, 136.

<sup>59</sup> Ibid, pp. Introduction xxx, 139.

<sup>60</sup> Ibid, p. 139.



sent up to the Governor by the House, the committee of public claims and the committee of elections and privileges being appointed to present it to the executive. This address asked that the Governor support the House by taking <sup>such</sup> ~~what~~ <sup>all</sup> steps he might think proper in bringing before that body the recalcitrant justices.<sup>61</sup>

The address having been duly delivered to Governor Spotswood by the Burgesses to whom that duty had been assigned, ~~the Governor had~~ returned a non-committal answer, stating that his concern for the honor of the House of Burgesses should always be equal to their concern for the honor of their country, and that the executive power would vindicate the representatives of the people "Conformable to the Support they agree to afford it."<sup>62</sup> As this reply promised nothing, and showed the irritation ~~at~~ of the Governor at the neglect of the House to vote, up to this time, the supplies he had asked for the assistance of South Carolina, the House of Burgesses resolved to send a second address to ~~the Governor~~, asking that he be pleased to issue such immediate orders as he should deem most effectual for causing Littlepage and Butts to appear before <sup>the House</sup>. Again the committee of elections and privileges was ordered to prepare the address, which was reported to the House on August, 18th. This second address <sup>Dr.</sup> <sup>63</sup> McIlwaine thinks was the work of Mr. Clayton, the chairman of the committee of propositions and grievances, who most probably was asked to prepare it for the committee of elections

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<sup>61</sup> Ibid, p. 140.

<sup>62</sup> Ibid, p. 142.

<sup>63</sup> Ibid, p. xxxi.



and privileges because he seems to have been the best writer in the House. This document is a well-expressed paper, setting forth in excellent language the reasons why his honor was again appealed to, and begging that steps should be taken by the executive branch to preserve to the House their ancient rights and privileges, which the contumacy of the two fugitive justices threatened to subvert. The address, after being ~~rep~~ reported to the House by the committee of elections and privileges, was accepted by that body, transcribed, signed by the ~~Speaker~~, and taken to the Governor by the committee of elections and privileges, the committee of public claims, and seven members in addition.<sup>64</sup>

On August 19th, Governor Spotswood sent to the House a written reply to the second address, his answer showing the same irritation that had been displayed in his verbal reply to the first address. After stating his sorrow and concern at the fact that the House had not yet granted the supplies for which he had repeatedly asked, the Governor stated that he was ready to assist <sup>that body</sup> ~~the House~~ in maintaining <sup>their</sup> ~~its~~ just rights and privileges; but that he must be excused from aiding in any ~~any~~ of <sup>its</sup> ~~their~~ invasions on the prerogative, and that <sup>it</sup> ~~they~~ had no right to erect <sup>itself</sup> ~~themselves~~ into a court of judicature for the trial of the justices of the peace.<sup>65</sup> On August 20th, the House took under ~~their~~ consideration this written communication from the Governor, and as a result of <sup>its</sup> ~~their~~ deliberations adopted the following resolutions:

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<sup>64</sup> Ibid, p.143.

<sup>65</sup> Ibid, p. 144.





" Resolved That the House have an undoubted Right of Receiving hearing and Redressing the Grievances of the Inhabitants of this Colony when legally Certified, and that Richard Littlepage and Thomas Butts two of the Justices of New Kent County Court at a Court held in the said County for Receiving and Certifying the Propositions and Grievances of the People and Inhabitants of the Said County, their Refusing to Receive and Certify the Propositions and Grievances of the People and Inhabitants of the Said County is Arbitrary and illegal and a Subverting of the Rights and Libertys of the People.

Resolved That this House in Sending for Richard Littlepage and Thomas Butts two of the Justices of New Kent County Court in Custody of the Messenger of this House, for their Refusing to Receive and Certify the Propositions and Grievances of the People and Inhabitants of the Said County Did not intend to Invade and are of Opinion have not Invaded any part of the Royal Prerogative.

Resolved That the Said Richard Littlepage and Thomas Butts in Disobeying the Orders of this House, Escaping out of the Custody of the Messenger, and Contemning the Authority of this House, are guilty of a great Misdemeanour and Contempt and ought to be Punished for the Same.

Resolved That the Said Richard Littlepage and Thomas Butts ought to be Compelled to appear and Answer their Said Misdemeanour and Contempt at the Bar of this House.

Resolved That a Suitable Address to the Governor be drawn up upon the Said Message".<sup>66</sup>

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<sup>66</sup> Ibid, p. 145.



In accordance with these resolutions it was ordered that the committee of elections and privileges should prepare and bring in a suitable address to the Governor, and to this committee three additional members were added to assist in the work. On Monday, August 22nd, this committee reported to the House the address that they had drafted, which was read, adopted by the House, transcribed, and signed by the Speaker; and was sent up to the Governor by the committee that had prepared the address and nineteen additional members appointed for that purpose.<sup>67</sup> In this address the Burgesses review<sup>ed</sup> their conduct during this session and defend<sup>ed</sup> their action on various matters, especially as regards<sup>ed</sup> the case of the two justices in question. The House of Burgesses protest<sup>ed</sup> that they had no desire or intention to invade the royal prerogative; nor any desire or claim to the privilege of appointing the justices of the peace. It seemed to them, however, "that when Justices in Cases where they are not Judicial but Ministerial only will Assume a Jurisdiction and by their Judgment Debarr the People and their Representatives of the Rightful ways and means prescribed by Law ~~for~~ for Redressing their Grievances by Excluding them from a true Representation thereof. We believe that Such Matters do concern the Burgesses in Assembly and We rather incline to that Opinion because the Law has not made any other Provision in that Case."

<sup>ing</sup> To this address of the House the Council took exception, claim-  
 ing in a written message sent to the Burgesses on August 23rd, that the Burgesses had tried to assume to themselves the entire power of hearing and redressing grievances, when in reality that power was lodged in the whole General Assembly.<sup>68</sup> On the next day, the House considered this

<sup>67</sup> Ibid, pp. 147, 148.

<sup>68</sup> Ibid, p. 148.



written message from the Council and it was resolved that a written answer should be prepared by the committee of propositions and grievances. On August 25th, Mr. Clayton, the chairman of the committee of propositions and grievances, reported to the House a very polite reply to the message of the Council, in which that body <sup>was</sup> ~~were~~ assured that it was no intention of the Burgesses "to attempt to invade any of the privileges of the upper house", and explain<sup>ing</sup> to the Councillors how certain propositions and grievances were sometimes directed to the House and sometimes not even directed at all. The address stated that the Burgesses would willingly transmit to the Council all such propositions and grievances as the Council <sup>loosely</sup> might desire to inspect. This reply was sent up to the upper house, ~~to be~~ <sup>presented</sup> by the committee of propositions and grievances, who had drafted the reply.

In another message to the House, delivered August 27th, Governor Spotswood<sup>†</sup> maintained that frequently propositions and grievances had, in the past, been considered by the General Assembly and received, even though they had failed to receive the attestation of the county courts. Such uncertified grievances, he pointed out, had been by no means barred by the House during this session. If the justices were not to use their judgment in distinguishing between those propositions and grievances which were baseless and those which were just, he saw no reason why they should be submitted to the court before they were sent to the Assembly. That this was probably the first instance in which the House of Burgesses <sup>ever</sup> had attempted to punish justices for presuming to judge of the truth or falsity of complaints of this nature, was asserted by the Governor,

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<sup>69</sup> Ibid, pp. ~~148, 149~~ 148, 149, 150.

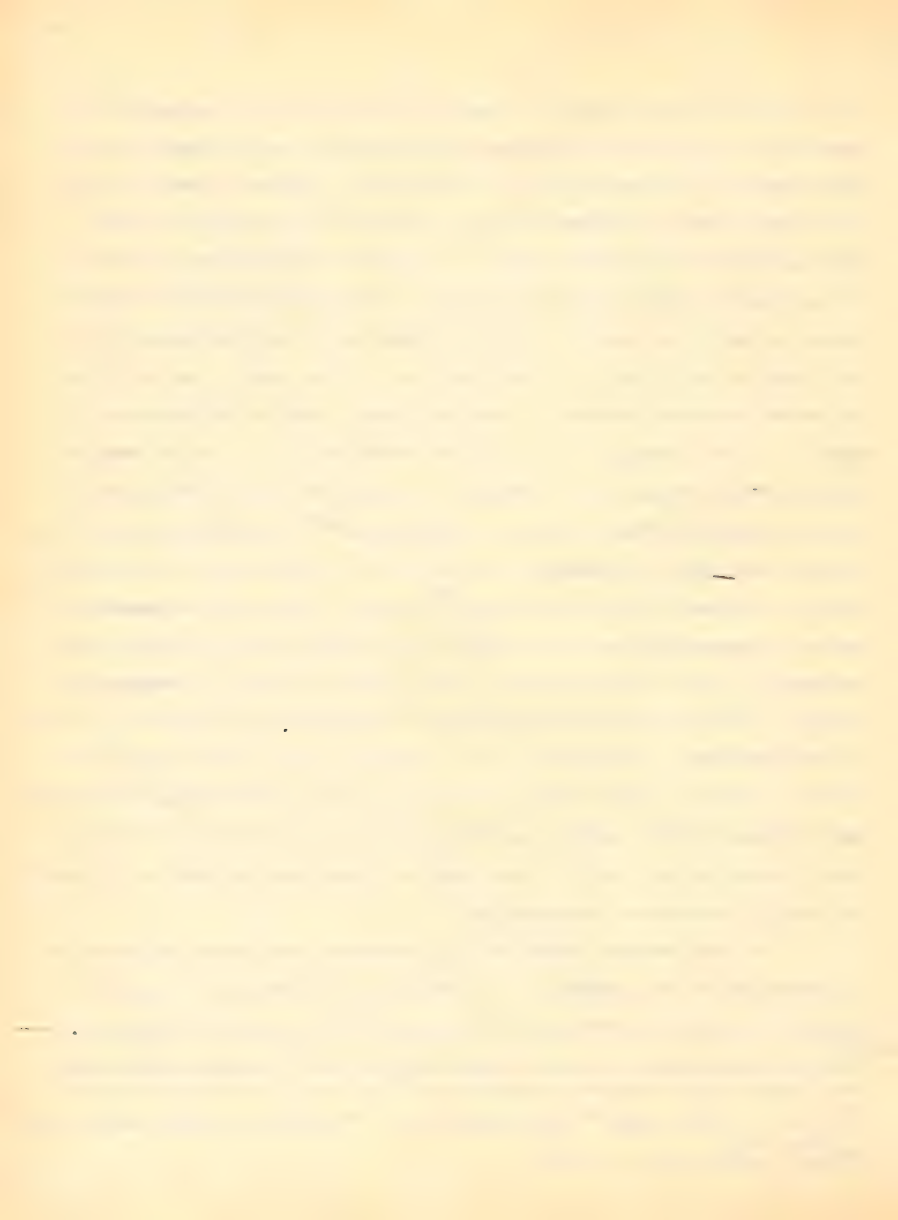


who declared himself opposed to assist<sup>me</sup> the Burgesses in making good an assertion of rights and privileges which exceeded any claimed by their predecessors.<sup>70</sup> In another set of resolutions, adopted on September 2nd, the House asserted that ~~the~~ their only motive in following the course they had pursued was their desire to support the rights and liberties of the people against those who sought to "deprive them of the benefit given by law;" that the grievance from New Kent county contained nothing false or seditious; that the justices of that county, as the first to refuse the certification of such ~~the~~ papers, ought to be punished at the bar of the House; and that the Governor's refusal to aid in ~~the~~ compelling ~~the~~ the recalcitrant justices to appear before the House denied to that body their "just rights and privileges."<sup>71</sup> The Council sided with the Governor in a long message delivered on the last day of the session, and the Governor, in a long address<sup>72</sup> delivered just before he ~~was~~ dissolved the Assembly, went over most of the ground covered by his former arguments, but in a less vehement manner than in this last remarkable speech. Of this speech, Mollwaine says, "Leaving aside the spirit in which it was conceived, the address of the governor made at the close of the session gives us a good summary of the attempted legislation. This speech is, however, bitter, unfair, and insulting to the opponents of the governor, most, probably all, of whom were as honest as the governor himself, and many of whom were as sagacious."<sup>73</sup>

In this session there is an interesting case, which illustrates the workings of the committee of elections and privileges in passing on the election and qualifications of members of the House of Burgesses, — Messrs. William Cole and Cole Diggs, who had been returned as Burgesses

<sup>70</sup> Ibid, pp. 152, 153; <sup>71</sup> Ibid, 159, 160. <sup>72</sup> Ibid, 164, 165, 166, 167, 168, 169, 170.

<sup>73</sup> Ibid, Introduction p. xxxiii.





from Warwick county. During their canvasses these gentlemen had made pre-election promises that they would not draw any salary if elected Burgesses. When the ~~report of these promises by the Warwick Burgesses~~ <sup>were</sup> reported to the House, the matter was referred to the committee of elections and privileges for investigation. The result of this investigation was a report from the said committee declaring that the charges against Messrs. Cole and Diggs had been investigated by them and had been found true. Accordingly these gentlemen were declared not duly elected and the Governor was asked to issue writs for a new election. At the new election these gentlemen were returned by their constituents, and their credentials were this time accepted by the committee of elections and privileges, who declared them duly elected.<sup>74</sup> As these representatives from Warwick were among the small number of supporters of the Governor in the House of Burgesses, Spotswood seems to have been incensed at the House having unseated them, and in his message of August 27th, above alluded to, he criticised the Burgesses for their action in the matter. The Burgesses, in their resolutions of September 2nd, affirmed that they had acted in accordance <sup>with</sup> the law of the colony for regulating the election of Burgesses. To this the Council replied that there was no ~~such~~ law in Virginia to prevent a candidate <sup>from offering</sup> ~~to offer~~ to serve without pay, and the Governor, in his closing address, commented in a sarcastic manner on the incident.<sup>75</sup> However in this matter the House of Burgesses were un-

<sup>74</sup> Ibid, pp. 126, 128, 141.

<sup>75</sup> Ibid, pp. 152, 153, 159, 160, 164, 165, 166, 167, 168, 169, 170.



doubtedly in the right, for the law distinctly disabled any one from sitting in the House of Burgesses who made a gift of money or any thing else or promised any gift or reward to any "person or persons in particular" or to any "county, town, or corporation in general". As each county at that time paid the salaries of its two representatives in the House of Burgesses, the offer of service in the capacity of Burgess without salary was a promise of a reward to the county.<sup>76</sup>

During this session of the Assembly the three standing committees were as follows: elections and privileges, five members; public claims, twelve members; and propositions and grievances, eleven members.<sup>77</sup> Throughout the session these committees were very active in the transaction of the routine business usually assigned them, and in addition, as has been already shown, they performed other duties of a special character, but in a manner growing out of the nature of their relation with the committees' usual work.

During the two sessions of the Assembly of 1718 and the two sessions of the Assembly of 1720-1722, the standing committees were regularly appointed. On April 23rd, 1718, the standing committees were appointed, consisting of the committees for elections and privileges, public claims, and propositions and grievances, with five, eleven, and eleven members respectively.<sup>78</sup> At the second session of this Assembly, these same standing committees were reappointed with substantially the same membership, both in number and personnel.<sup>79</sup>

<sup>76</sup> Hening, Statutes at Large, iii, 243.

<sup>77</sup> Journals of the House of Burgesses, 1715, pp. 123, 138.

<sup>78</sup> Ibid, 1718, pp. 175, 176.

<sup>79</sup> Ibid, p. 221.



In the first session of the Assembly of 1720-1722, the last assembly to be held during the Governorship of Spotswood, the usual standing committees were appointed on November 3<sup>rd</sup>, <sup>1720</sup>, elections and privileges with five members; public claims, eleven members; and propositions and grievances with thirteen members. At the second session, convened May 9th, 1722, the committees of the former session were revived by order of the House of Burgesses.<sup>80</sup>

On May 10th, 1723, at the beginning of the first session of the Assembly of 1723-1726, the three standing committees were appointed, and for the first time there follows the names of <sup>each of</sup> the committees a statement of the committees' functions. Seven members were appointed to the committee of privileges and elections,<sup>81</sup> and the journal states that "they are to meet as often as they find it Necessary and to take into their Consideration All such matters as shall or may come in Question touching Returns Elections and Privileges and to report their proceedings with their Opinions therein to the House from time to time And the said Committee is to have power to Send for Witnesses Persons Papers and Records for their Information". Eleven members were named as a committee for public claims, " And the said committee are to meet and to take into their Consideration all matters concerning the public Claims of the Country and to report their proceedings with their Opinions therein to the House And the said Committee is to have power to Sit from day to day and to send for Persons Papers and Records And they are to Inspect the Report of the Committee ~~of~~ for Publick Claims of the last session of Assembly and make Report

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<sup>80</sup> Ibid, 1720-1722, pp. 251, 320.

<sup>81</sup> Ibid, 1723-1726, p. 361. First time that name is written "privileges and elections." Heretofore the journals have it "elections and privileges."



to the House of any matter they shall find therein necessary to be further Considered this Session". Thirteen Burgesses were named as the committee for propositions and grievances, and it was stated that "they are to meet and take into their Consideration All Propositions and Grievances wch. shall be Offered to this Assembly and to report their proceedings with their Opinions therein to the House from time to time And the said Committee is to have power to Sit from day to day and to Send for Persons Papers & Records".<sup>83</sup> In the second session of the assembly, which did not meet until May, 1726, the standing committees appointed at the assembly's first session were revived.<sup>84</sup>

During the latter years of Governor Spotswood's incumbency he was on bad terms with the majority of the Burgesses, and in the session of 1718 not only the majority party in the House, but several members of the Council seem to have actively opposed him. However things ran more smoothly during the last assembly held while he was Governor of Virginia, and whether the pacification that had been brought between the two factions in the General assembly, the Pro-Administration and Anti-Administration factions, ~~were~~ superficial or not, at least there were no violent outbreaks such as had characterized the session of 1718. The assemblies held during the twenty-two years in which William Gooch held the office of Lieutenant-Governor of the colony were characterized by the cordial relations ~~that existed~~ between the executive and the people whom he had been sent to govern. An examination of the opening and closing speeches made by Governor Gooch in any of the sessions of the assemblies held

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<sup>83</sup> Ibid, pp. 361, 362.

<sup>84</sup> Ibid, p. 400.





during his term of office will show the good feelings that he had for the members of the House of Burgesses.

At the first session of the Assembly of 1727-1734, the standing committees of privileges and elections, public claims, and propositions and grievances were appointed, consisting of seven, ten, and eleven members respectively. The duties of each of the committees were stated, and in addition to ~~the~~ their regular work, the committee of propositions and grievances were ordered "to inspect the Journals of the last Session of the last Assembly, and to prepare and draw up a State of the matters then depending and undetermined, and the progress that was made therein, and to report the same to the House. And they are also to examine what Laws have expired since the last Session of the last Assembly, and to inspect such temporary Laws as will expire at the end of this Session of Assembly and Report the same to the House with their opinions which of them are fit to be revived or continued."<sup>65</sup> The assigning (of these duties) to the already heavily worked committee of propositions and grievances, which were afterward in the Assembly of 1740 given to the committee for courts of justice, rendered the former the busiest committee in the House; although the smaller committee of privileges and elections, with a large number of contested election cases in this first session of 1727, was also an exceedingly busy <sup>committee</sup> body.

In his address at the opening of this session, Governor Gooch had urged upon the general assembly the importance of "agreeing upon some methods to prevent delays in the Courts of Justice, so very obvious ~~and~~ & inconvenient to the People in general," and following

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<sup>65</sup> Journals of the House of Burgesses, 1727-1734, 1736-1740, pp.5, 6. see pp. 9, 16 for two additions to committee of propositions and grievances, and p.18 for an addition to that of privileges & elections



his recommendation the House of Burgesses, on February 10th, 1727, appointed a committee for courts of justice, consisting of the ~~Attor-~~ <sup>Attor-</sup> ~~general~~, chairman, and six other members. The resolution appointing this committee states that "they are to sit in the Clerk's Office, and to inquire into the methods of proceeding in the Courts of Justice and the occasions of the delays therein, and to prepare a Bill for amending the defects of the Laws now in force relating to the several Courts of the Colony, and for the expediting of Business: And the Com'ee are to appoint a Clerk to attend them, and to have ~~the~~ power to send for ~~the~~ persons, papers & Records for their information."<sup>86</sup> In the second session of this assembly all of the standing committees of the preceding session were revived, namely, the committees of privileges and elections, propositions and grievances, public claims, and courts of justice and the continuance of ~~this~~ <sup>the</sup> committee along with the three well-established and usual standing committees, shows that ~~the committee for courts of justice had already shown that~~ <sup>it was already considered</sup> it was important enough to be a permanent addition to the standing committee system.<sup>87</sup>

The third session of this assembly was convened May 18th, 1732, and on the second day of the session, the House of Burgesses revived its four standing committees as follows: privileges and elections consisting of five members; propositions and grievances, twelve members; courts of justice, twelve members; and public claims, eleven members.<sup>88</sup> These four committees with substantially the same membership were revived in the fourth, and last session, which was called together

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<sup>86</sup> Ibid, pp. 5, 16, 17.

<sup>87</sup> Ibid, pp. 59, 61.

<sup>88</sup> Ibid, pp. 117, 118.



in August, 1734.<sup>89</sup> The committee for courts of justice was also instructed to inquire "into such Temporary Laws as may be near expiring after the End of this Session of Assembly; and report their Opinion to the House, which of them are fit to be continued."<sup>90</sup> On August 30th, the Treasurer's accounts were referred to the same committee for examination, and they were ordered to report to the House the balance in the hands of the treasurer.<sup>91</sup> Further idea of the <sup>growing</sup> importance of the newly appointed standing committee for courts of justice is shown by the number of matters referred to their care during this session.

Notwithstanding the stubborn opposition of both the Council and Governor Spotswood to the House of Burgesses <sup>in 1715</sup> taking cognizance of justices who had refused to certify propositions and grievances <sup>to</sup> the <sup>general</sup> Assembly, ~~in the year 1715~~ it appears that by 1727 the right of the House of Burgesses to reprimand justices who refused to certify petitions or claims presented to them, according to law, was clearly recognized, even where the matter of the petition was known to the justices to be false. As the House of Burgesses had contended in the ~~same~~ case of the New Kent justices, in 1715, the function of the courts in certifying petitions, claims, and propositions and grievances, was not a judicial, but a purely ministerial one. The right of punishing the justices who refused to certify such papers was exercised in 1727 in the case of James Wallace and Jacob Walker, who were reprimanded before the bar of the House, and dismissed from custody after paying costs.<sup>92</sup> For similar offences on the part of the justices the House of Burgesses exercised

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<sup>89</sup> Ibid, pp. 172, 173, 174.

<sup>90</sup> Ibid, p. 180.

<sup>91</sup> Ibid, p. 187.

<sup>92</sup> Ibid, p. 17.



the right of inquiry and punishment repeatedly during subsequent <sup>general</sup> assemblies, seemingly without further question on the part of either the upper house or the executive.

Of the <sup>general</sup> assembly of 1736-1740, there were likewise four sessions, the long sessions being as follows: August 5th to September 22nd, 1736, November 1st to December 21st, 1738, and May 22nd through June 16th, 1740; and the Assembly concluding with a short session, lasting from August 21st to August 29th, 1740. The House of Burgesses that was sent up to this General Assembly was the largest that had hitherto represented the colony, being composed of seventy-one representatives, which probably accounts <sup>in part</sup> for the fact that the standing committees appointed for this Assembly had a larger membership than in any previous Assembly; although the fact that the legislative needs of the rapidly growing colony made the committee duties more onerous would also <sup>help to</sup> account for the increase in the size of their membership. When the committees were appointed at the opening session, twelve members were assigned to the committee of privileges and elections, heretofore never larger than from five to seven members; thirteen were named as a committee of public claims, usually consisting of about ten members; while the committees of propositions and grievances, and courts of justice, were composed of eighteen and seventeen members, respectively, numbers about double that of their former membership.<sup>93</sup>

A close examination of the journals of the <sup>general</sup> assembly of 1736-1740, seems to indicate that there was a well-established rule of seniority applied to these standing committees, as regards the committee-chairmanships and the ranking members of <sup>each</sup> the committee. To make this very clear let us examine the revival of the standing committees, appointed in the

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<sup>93</sup> Ibid, pp. 244, 245.





first session of this <sup>general</sup> Assembly, by the House of Burgesses at the opening of its second session. In the first session the committee of privileges and elections had consisted of the following members: Conway (chairman), Robinson, Harrison, Corbin, Randolph, Acrill, Fitzhugh, Waring, McCarty, Walke, Boush, and Burwell. As revived in the following session, the committee was composed of Conway (chairman), Harrison, Corbin, Randolph, Fitzhugh, Waring, McCarty, Walke, Burwell, and Allen. Of the changes in this committee, it is easy to account for the absence of Robinson's name, for that gentleman had succeeded to the Speakership, upon the death of Sir John Randolph, who had been Speaker in the first session, and his promotion to the place of presiding officer had rendered him ineligible to this committee. William Acrill had died before the convening of the Assembly for its second session. Just why the name of Boush does not appear is not plain. He was certainly present in this session; and from the fact that on December 9th, he was allowed to go home from the Assembly for the recovery of his health, it is a reasonable conjecture that he was excused from committee duties on account of his health. Several days after the beginning of the session, Mr. Barradall, the Attorney-General, who had succeeded Sir John Randolph, deceased, as representative of the College, was added to this committee.<sup>94</sup>

The members of the claims committee in the first session were; Blair (chairman), Price, Bowdoin, Harmanson, Sweny, Turner, Ball, Beverley, Buckner, <sup>n</sup>Hayes, Eaton, Claiborne, and Seaburg. As far as its ranking members were concerned, this committee as revived in the second session was exactly the same- the only changes in the personnel being be-

<sup>94</sup> Ibid, pp. 244, 321, 325, 371.



low the first <sup>name</sup> six members of the committee. The committee for courts of justice had the same chairman in both of these sessions, Mr. Corbin, and the committee men serving with him were substantially the same. During the first session of the <sup>general</sup> assembly, Mr. Robinson had been chairman of the important committee of propositions and grievances with Mr. Corbin the next in line for the chairmanship; but as Mr. Corbin was already chairman of the committee for courts of justice, when Mr. Robinson became Speaker of the ~~the~~ House, during the second session of this assembly, Mr. Fitzhugh, another member of the committee of propositions and grievances was made chairman in Mr. Robinson's place.<sup>95</sup>

In the first session of the <sup>general</sup> assembly of 1736-1740, a standing committee, consisting of Messrs. Carter, Acrill, Fitzhugh, Harrison, and Waring, was appointed "to prepare and draw up a State of that Duty, the duty on slaves imported into the colony and the several Payments that have been made, with the Amount thereof."<sup>96</sup> This committee was provided with a clerk, and became so important that it was revived in the other two long sessions of this <sup>general</sup> assembly,<sup>97</sup> and in the <sup>general</sup> assembly of 1742 it became the standing committee of trade, which was made one of the regular standing committees. In the three sessions of 1736-1740 this committee consisted of five members, its personnel undergoing only one change, Mr. Beverley taking the place of Mr. Acrill on the death of the latter.

In the third session of this <sup>general</sup> assembly all of the standing committees were revived. Three of the committees, privileges and elections, propositions and grievances, and the committee appointed to <sup>prepare and</sup> draw up ~~and~~ a state of the duty upon slaves, etc. retained the same chairmen, While

<sup>95</sup> Ibid, pp. 244, 245, 321, 322.

<sup>97</sup> Ibid, pp. 250, 322, 394.



more recent appointees had risen to the head of the other committees. Mr. Barradall, the Attorney-General, was made chairman of the committee for courts of justice, and Mr. Beverley was appointed chairman of the committee of public claims. Both of these new committee <sup>heads</sup> ~~members~~ seem to have been able and active Burgesses, and the fact that a newly appointed member like Mr. Barradall could so soon rise to the headship of an important committee, would seem to argue that the seniority rule did not bar the way to the rapid rise of an able legislator. However the general rule seems to have been the gradual rise to the leadership of the committee through service on that committee.

It is also interesting to note that the House of Burgesses, in this session, ordered that seven of the committee of propositions and grievances and five of all other committees should constitute a quorum. This was the beginning of a customary regulation of the number of committee men sufficient for the transaction of legislative business, and established a precedent for the future sessions of the House of Burgesses.<sup>98</sup>

As soon as ~~the session of~~ <sup>general</sup> the assembly of 1742-1747 was called together, <sup>for its first session,</sup> the House of Burgesses elected <sup>into</sup> ~~the~~ Speaker and appointed the five regular standing committees.<sup>99</sup> To the committee of privileges and elections eleven members were assigned, sixteen to the committee for courts of justice, nine to the committee <sup>of</sup> ~~the~~ trade, fifteen to the committee of public claims, and twenty-eight to the committee of propositions and grievances. The number appointed to these committees corresponded fairly well to the volume of business referred to each of

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<sup>98</sup> Ibid, p. 394.

<sup>99</sup> Journals of the House of Burgesses, 1742-1747, 1748-1749, pp. 5, 6, 7.



them, as a careful examination of the journal will show. The ~~House~~, however, did not transact all of its business through these standing committees, but appointed special committees as the occasion required, and for the discussion of especially important matters made use of the committee of the whole. At this session, as had become the custom, the speech of the governor - today this would be called the ~~Governor's~~ Message - was discussed in the committee of the whole, and the continuation and improvement of the all-important tobacco law, one of the questions brought to their attention by the ~~Governor~~, was thus considered many ~~times~~ times, after the first draft of the bill had been submitted to the ~~House~~ by a special committee appointed for that purpose.<sup>100</sup>

Among the special committees named the following were important, as can be judged by the subjects with which they had to deal; the special committee appointed on June 11th to examine the treasurer's accounts, a similar committee being named at each regular session; the committee chosen on June 16th for "proportioning the public levy", a committee that appears with great frequency; and a committee named the same day for "examining the inrolled bills", one that appears not infrequently in the journals.<sup>101</sup>

During the second session of this <sup>general</sup> assembly, which convened in September, 1744, and in the third session, called together in February, 1746, the regular standing committees were revived with substantially the same membership as in the first session, there being only slight variations in number and personnel of the committees.<sup>102</sup> In the short

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<sup>100</sup> Ibid, pp. 5, 6, 7, 13, 31, 36, 38, 40, 42, 43, 44, 45, 46, 49, and introduction xv.

<sup>101</sup> Ibid, pp. 11, 63.

<sup>102</sup> Ibid, pp. 77, 78, 80, 156, 157.





sessions of July, 1746, in which none of the regular standing committees was appointed; and in that called in March, 1747, in which only the committee of privileges and elections was revived, the standing committees did not figure very largely. These sessions were held to enact emergency legislation, and little other business was transacted. <sup>103</sup>

The <sup>general</sup> assembly of 1748-1749 held only one session, a long one which lasted from October 27th, 1748 to December 17th, 1748, when a recess was taken until March 2nd, 1749, <sup>in which date</sup> ~~when~~ the session was resumed and continued through May 11th of the same year. This was one of the busiest sessions of the ~~General~~ Assembly, the committee for the revision of the laws having reported <sup>it</sup> ~~their~~ work to the assembly, and much of the regular ~~regular~~ routine work having been carried over from the last sessions of the preceeding Assembly, ~~which were~~ special sessions in which little of the regular legislative business was considered.

Many of the propositions and grievances and public claims that had been carried over from the special sessions of the last <sup>general</sup> assembly came up for consideration in this <sup>session</sup> ~~assembly~~, and these, added to the papers of a similar nature intended for the newly chosen Assembly, rendered the work of the committees of propositions and grievances, and of public claims unusually heavy. To the committee for courts of justice fell a large amount of the extra work connected with the consideration and adoption of the report of the committee of revision

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<sup>103</sup> Ibid, pp. 225, 226, 235, 236. The reasons for calling the special sessions were to secure an appropriation of £ 4,000 to procure men for an expedition into Canada; and to consider measures to rebuild the Capitol of the colony, at Williamsburg, the old one having been destroyed by fire.



of the laws. This report was in three parts: first, it advised the repeal of twenty-one acts that had become <sup>useless, or otherwise provided for,</sup> obsolete, citing the acts in a list following the resolution recommending their repeal; second, it recommended that certain other laws should be allowed to remain in force without amendment, naming thirty-six acts to be so treated; and third, it presented in the shape of bills for the action of the House the other laws then in force, these bills being either a law amended or several laws on the same subject consolidated into one bill. The first and second recommendations of the committee for revision were at once agreed to, the committee for courts of justice being ordered to bring in <sup>a</sup> bill for the repeal of the acts listed in the first section of the report, while the acts listed in the second section of the report continued in force, ipso facto as their time had not expired. <sup>104</sup> Later in the session the House determined to transfer a ~~bill~~ law put by the committee <sup>on revision</sup> into class two to class one, and ordered the committee for courts of justice to include it in the bill for the repeal of the laws that had become useless. <sup>105</sup>

The bill for repealing several acts of Assembly was reported to the House by the committee for courts of justice on May 4th, and in a few days passed both Houses of the Assembly, and received the Governor's signature. <sup>106</sup>

As the bills were prepared by the committee of revision they were from time to time introduced into the House to suit the convenience of that body. In their passage through the House these bills were subjected to the same forms of procedure as were other bills: they had to go through three readings, were sometimes considered by the committee of the whole, frequently amended, and in some instances refused passage. In

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<sup>104</sup> Ibid, pp. 277, 278, 279, 280, 281, xxix, xxx.

<sup>105</sup> Ibid, p. xxi. <sup>106</sup> Ibid, pp. 389, 396, 397, 400, 405.



their consideration of these bills the Council also followed its usual procedure, making amendments of its own and when it thought proper rejecting the amendments of the House. There was an enormous amount of work connected with the consideration of the vast number of bills that the Assembly considered in this session; for besides the eighty-nine bills that finally received the executive signature and became law, not a few bills that were introduced were thrown out at various stages of the legislative procedure. As only permanent and public acts had been considered by the committee for revisal of the laws, the committee for courts of justice had, at this session to review all the temporary and private laws to see which were about to expire, and to recommend the continuance of those it deemed necessary. This simple statement will serve to show that it was a very busy committee, when this special function was added to its usual duties.

During this session the various standing committees were made up of the following number of members; privileges and elections, fourteen; propositions and grievances, thirty-two; public claims, seventeen; courts of justice, eighteen; and ~~commerce and~~ <sup>106</sup> trade, seven. The small number of the last named committee can be accounted for by the fact that there was not as much business before its members as came before the other older standing committees. As a rule, the heavier the work of a committee, the larger <sup>106</sup> number of members ~~were~~ appointed to that body; and members were not infrequently added to the various committees, from time to time during the sessions, as an accumulation of business might require.

Of the Assembly of 1752-1755, there were eight sessions, of which the first, second, and sixth seem to have been used for the con-

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duct of regular legislative affairs; while the other sessions were shorter special sessions, called in order to provide for expeditions against the French and their Indian allies along the frontier. In each of the regular sessions the usual standing committees were appointed. The standing committees of the first session were as follows: privileges and elections, fourteen members; propositions and grievances, thirty-four members; public claims, twenty-five members; courts of justice, twenty-one members; trade, nine members. Eleven of the committee of propositions and grievances, and five of any other committee was decided on as a quorum for the transaction of business.<sup>107</sup> The same committees with few material changes in membership appear in the second session, having been appointed on November 5th, 1753; and in the sixth session which began May 1st, 1755, the five committees were appointed without many changes in their personnel.<sup>108</sup>

The third session of this <sup>general</sup> assembly was called by Dinwiddie on February 14th, 1754, although the former session had been prorogued to April of that year. The reason for this haste in convening the Assembly in another session, was the report of Major George Washington on his mission to the French commander in the disputed territory on the Ohio, which had just been received by Governor Dinwiddie. In his opening address, the Governor asked that the Assembly vote a supply for the purpose of aiding the King to establish his claims to the lands in dispute. In this session the regular standing committees were not appointed, the House of Burgesses devoting most of its time to the raising of this supply for which ~~it~~ had been called together.<sup>109</sup> This supply was voted in an

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<sup>107</sup> Journals of the House of Burgesses, 1752-1755, 1756-1758, pp. 6, 7.

<sup>108</sup> Ibid, pp. 107, 108, 234, 235, 237.

<sup>109</sup> Ibid, pp. 175, 176, 177.





"act for the encouragement and protection of the settlers upon the waters of the Mississippi" which provided that the treasurer should be ~~empowered~~ empowered to borrow £. 10,000 at six per cent. interest, to be expended in giving protection to the Western settlers; and providing for the ~~payment~~ payment of this money borrowed and the interest thereupon by placing an additional duty of five per cent. on slaves imported, and by ~~taxes~~ taxes on vehicles, on licenses on ordinaries, and on various legal documents.<sup>110</sup> To supervise the expenditure of this supply the law named a committee of directors who "shall, from time to time, with the consent and approbation of the governor or commander in chief, for the time being, direct and appoint how the said money shall be applied, towards the protecting and defending of his majesty's subjects, who are now settled, or hereafter shall settle, on the river Mississippi, and that the said directors shall, as often as there shall be occasion of money for the use of the aforesaid, apply themselves to the governor, or commander in chief for the time being, to issue out his warrants to the said treasurer to pay so much money as shall be wanting for the purposes aforesaid, who is hereby required to pay the same, accordingly."<sup>111</sup> This committee of directors was a joint legislative committee from the two legislative Houses, who should serve with the governor in using the fund appropriated in the act. They were a standing recess committee who should speak for the legislature in the use of money raised by the legislature for specific purposes. Dinwiddie objected to the appointment of this committee as an encroachment on the prerogative, as most probably it was; but the House could plead as a precedent the act of 1746 for raising

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<sup>110</sup> Hening, Statutes at Large, vi, 417, 418, 419, 420.

<sup>111</sup> Ibid, p. 418.



L. 4,000 to be used in the expedition against Canada, in which a similar committee had been named.<sup>113</sup> The House of Burgesses seemed ~~to be~~ determined that the principle back of the fact that a money-bill must originate in the House should be broadened to allow the agents of the General Assembly <sup>supervision over</sup> ~~to supervise~~ the expenditure of money raised in the colony. It is significant that both the committee appointed in the act of 1746 and that named in the act of 1754 were controlled by the House of Burgesses.

The eighth, and last, session of this <sup>general</sup> Assembly was a short extra session. The most interesting act passed was the first of the series of acts known as the "Two-Penny Acts." This act of 1755, while not far-reaching in its effects, led to the passage of other legislation of a similar nature, culminating in that of 1758, out of which grew the famous "Parsons' Cause." On November 4th, 1755, the House ordered "that leave be given to bring in a bill for supplying the deficiencies of the several funds for the protection of this Colony against the encroachments and depredations of the French and Indians, and for advancing and securing the public credit." In the regular manner this bill was brought in by the committee appointed to draft it, passed by the House, and sent to the Council, who refused <sup>its</sup> ~~their~~ concurrence in the measure. On the day of its rejection by the Council, Dinwiddie dissolved the Assembly.<sup>114</sup> The reasons for his hasty dissolution of this Assembly, Dinwiddie has given in his correspondence. In a letter to Governor Dobbs of North Carolina, Dinwiddie states that the House wished by means of this bill to set up a loan office and to emit L. 200,000 paper money." To the Board of Trade he wrote that the money was to be issued for eight years and without proper security; that he had given his assent to the two former issues of paper money

<sup>113</sup> Henning, v, 401, 402, 403, 404.

<sup>114</sup> Journals of the House of Burgesses, 1752-1755, 1756-1758, pp. 328, 329, 330, 331, 332



because the emergency required it in each case and because each issue was for a short period and well secured; the issue proposed in this bill would be, he thought, pernicious to the credit of the country. He also states that the members had become very irregular in their attendance on the meetings of the House, and that they had begun "again to be troublesome and factious." Therefore he had determined to dissolve the present Assembly and take his chances with the members of the next Assembly.<sup>115</sup>

This new <sup>general</sup> Assembly, the Assembly of 1756-1758, met for its first session on March 25th, 1756 and the session continued till May 5th. Out of a possible one-hundred and four members of the House of Burgesses there were present eighty-five. A comparison of the lists of members of the new Assembly with the lists of the last session of the Assembly of 1752-1755, made by Dr. McIlwaine,<sup>116</sup> shows a change of about thirty-eight per cent in the membership of the House. Most of the old leaders were returned, so it would seem that the change of personnel was of no great assistance to the governor; for the new House of Burgesses insisted on serving the country according to their own ideas. At the opening session only one of the usual standing committees was appointed- the committee on privileges and elections-<sup>117</sup> and the House did not take up any of the usual business, devoting most of its time to emergency legislation for which it had been called together. At the second session, which was also a ~~special~~ special session, and a much shorter one besides, none of the regular standing committees were appointed, and the regular business was carried over to the next session.

In the third session, which convened April 18th, 1757, the five

<sup>115</sup> Ibid, pp. xxiv; Dinwiddie Papers, II, 266, 269.

<sup>116</sup> Journals of the House of Burgesses, 1752-1755, 1756-1758, p. xxv.

<sup>117</sup> Ibid, p. 338.



usual standing committees were appointed; privileges and elections, seventeen members; propositions and grievances, twenty-eight members; public claims, sixteen members; courts of justice, fourteen members; trade, eleven members; and it was resolved the eleven of the committee of propositions and grievances, and five of the other committees should be a quorum sufficient for the transaction of committee work; and that the "several Clerks to the Committees be continued in their respective Offices."<sup>118</sup> This was the last session of the ~~Assembly~~ to be held under the incumbency of Dinwiddie. He left the colony in January, 1758, and as his successor, Francis Fauquier, did not reach the colony till the 7th of June the last short session of this Assembly was called by the President of the Council, John Blair, ~~who was ex-officio governor, until the arrival of Governor Fauquier.~~ At this session no standing committees were appointed, only emergency legislation to provide supplies and troops being passed by the General Assembly.

The General Assembly of 1758-1761 held seven sessions. At the first of these, the session of September-October, 1758, only the committee of privileges ~~and~~ <sup>was appointed</sup> elections ~~of all the usual standing committees~~ <sup>was appointed</sup>, the main attention of the ~~Assembly~~ being given to such business as was absolutely necessary, ~~and~~ the propositions, grievances, and claims being referred to the succeeding session.<sup>119</sup> <sup>at</sup> The second session which only lasted three days and of course transacted only war business, ~~no standing committees being appointed.~~ <sup>were</sup> <sup>120</sup>

It was not until the third session, ~~March~~ <sup>April</sup> February / 22nd to ~~March~~ <sup>April</sup>

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<sup>118</sup> Ibid, 417, 418, 419.

<sup>119</sup> Journals of the House of Burgesses, 1758-1761, pp. 5, 7, 8.

<sup>120</sup> Ibid, pp. 49, 50, 51, 52.





14th, 1759, that the regular system of standing committees was appointed.<sup>121</sup> This was a fairly long session, and with the business carried over from the preceeding sessions together with the regular business of this session, the committees seem to have found much work on their hands. In the fourth, fifth, and sixth sessions, held for short periods in November, March, and May, 1760, no regular business except that of the utmost importance seems to have been transacted in the General Assembly; therefore no standing committees of the House seem to have been appointed.<sup>122</sup> The postponement of work from these short sessions carried over considerable work to the seventh session, which became the longest session of the Assembly up to this time lasting more than six months, including a recess period of about one and a half months, during which time the session was held over in order to act on the revision and renewal of the important tobacco law, which could not be considered before the regular time for the prorogation. Hence the prorogation was changed into an adjournment which kept the Assembly in session until the business of the General Court had been transacted and the Governor and Council, who composed that judicial body, could join the House of Burgesses in legislative business.<sup>123</sup> Most of the regular business of the session being postponed until after the recess, the regular standing committees were not appointed until the end of the recess. This session was a busy one as the thirty-one acts passed by the General Assembly, and signed by Governor Fauquier, at the end of the session will testify.<sup>124</sup> Governor Fauquier's speech at the closing of the session, shows that he regarded the House of Bur-

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<sup>121</sup> Ibid, pp. 57, 58, 59.

<sup>122</sup> Ibid, pp. 133-179.

<sup>123</sup> Ibid, p. xi. 184, 185.

<sup>124</sup> Ibid, 199, 201, 202, 194, 196, 256, 257.



gesses as composed of highly capable and honest men.<sup>125</sup>

Of the <sup>general</sup> Assembly of 1761-1765, the first ~~year~~ three sessions were short special meetings in which none of the regular standing committees were appointed save in the first session when the committee of privileges and elections was named. It was not until the fourth session which began in November, 1762, that all five of the regular standing committees were again appointed. There was a large amount of business to be transacted by the House, the committees were <sup>very</sup> busy as is shown by the fact that they were larger than ever before in the history of the House. The committees of this session were as follows: privileges and elections, Richard Bland, chairman, twelve members; propositions and grievances, Peyton Randolph, chairman, thirty members; public claims, Archibald Cary, chairman, eighteen members; courts of justice, Edmund Pendleton, chairman, ten members; and trade, Benjamin Harrison, chairman, sixteen members.<sup>126</sup>

In the session of October, 1764 the same committees were appointed with the same chairman at the head of each committee. The membership of these committees was even larger than in the session just mentioned, for the House of Burgesses had grown to be a large legislative body with the creation of new counties in the "up country", and the legislative needs of the growing colony were rapidly <sup>becoming</sup> growing heavier as the population ~~increased~~ increased.<sup>127</sup> In this session the committees were as follows: privileges and elections, nineteen members; propositions and grievances, forty-three; public claims, twenty-seven; courts of justice, nineteen; and trade, ten.

In two sessions of the <sup>general</sup> Assembly of 1766-1769 the standing committees were appointed, and both the size of the various committees and the prominence given them in the transaction of the legislative business

<sup>125</sup> Ibid, p. 258.

<sup>126</sup> Journals of the House of Burgesses, 1761-1765, pp. 68, 69, 70.

<sup>127</sup> Ibid, pp. 230, 231.



show how great a part they played in the legislation of the colonial lower house of Assembly. It is hardly too much to say that already the vast bulk of the legislative work of the House of Burgesses, most of the routine duties and much of the special work, was performed by these committees. In the session of 1766 the standing committees were: privileges and elections, eighteen members, Edmund Pendleton, chairman; propositions and grievances, forty-five members, Richard Bland, chairman; public claims, twenty-nine members, Archibald Cary, chairman; courts of justice, twenty-three members, Richard Henry Lee, chairman; and trade, sixteen members, Benjamin Harrison, chairman.<sup>128</sup>

In the session of 1769 the five regular standing committees were appointed, the same members serving as chairman of the committees who had served in the session of 1766. However another standing committee appears in this session, - the committee for religion with Robert Carter Nicholas, the treasurer of the colony, as its chairman.<sup>129</sup> With the growth of dissent and the increasing dissatisfaction with the vestries of many of the parishes, so many complaints and propositions and grievances were coming up to the Assembly that the House of Burgesses appointed another

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<sup>128</sup> Journals of the House of Burgesses, 1766-1769, pp. 14, 15, 16.

<sup>129</sup> Ibid, pp. 228, 229; Jameson, <sup>The the</sup> Origin of Standing-Committees System, p. 263. Jameson says: "In the memorable session of 1765 a committee of religion was added." Dr. Jameson gives as authority for this statement "Journals of the House of Burgesses, 1732-1774." A careful search through the Journals for the year 1765, shows that no standing committee for religion was appointed in that year; and since such is the case it appears that Dr. Jameson is in error. The committee for religion does not appear as a standing committee of the House of Burgesses until 1769. After this date the committee seems to have been one of the regular system.



standing committee to consider these petitions. From the first appearance of this committee to the end of the colonial period, it was continued as one of the regular standing-committees of the House of Burgesses.

During the <sup>next session</sup> assembly there were no standing-committees appointed until February, 1772, when the six regular committees were named as follows: privileges and elections, twenty-one members, Edmund Pendleton, chairman; propositions and grievances, thirty-two members, Richard Bland, chairman; public claims, eighteen members, Archibald Cary, chairman; courts of justice, sixteen members, Woodson, chairman; trade, nineteen members, Benjamin Harrison, chairman; and religion, twenty-two members, Robert Carter Nicholas, chairman.<sup>130</sup> At the session of March, 1773, none of the regular standing-committees were named except the committee for privileges and elections, which was headed by the same chairman and composed of practically the same members as in the preceeding assembly. It was not until May, 1774, that the regular system of standing committees was again named, as follows: privileges and elections, twenty-four members, Edmund Pendleton, chairman; propositions and grievances, thirty-seven members, Richard Bland, chairman; public claims, twelve members, Richard Lee, chairman; courts of justice, ten members, Richard Henry Lee, chairman; trade, sixteen members, Benjamin Harrison, chairman; and religion, twenty-eight members, Robert Carter Nicholas, chairman.<sup>131</sup>

The last session of the colonial House of Burgesses at which the standing committees were appointed was the session of June, 1775, at which the system was made up of the following members: privileges and

<sup>130</sup> Journals of the House of Burgesses, 1770-1772, pp. 157, 158.

<sup>131</sup> Journals of the House of Burgesses, 1773-1776, pp. 75, 76.





elections, twenty-five members, Dudley Digges, chairman; propositions and grievances, fifty-six members, Thomas Jefferson, chairman; public claims, twenty members, Archibald Cary, chairman; courts of justice, twenty-five members, Jones, chairman; trade, nineteen members, Nelson, chairman; and religion, forty members, Robert Carter Nicholas, chairman.<sup>132</sup>

There is scarcely room to doubt the English origin of the system of standing legislative committees, whose developement we have traced in the proceedings of the Virginia House of Burgesses. In the House of Commons there existed for many years a system of standing committees several of which were closely analogous, in name and function, to some of those employed in the Virginia House of Burgesses. The prototype of the committee of privileges and elections was unquestionably the Commons committee of privileges and returns; while the same body had committees for courts of justice, ~~propositions and~~ grievances, trade, and religion, committees bearing a close connection in name and function with the similar committees of the Virginia Assembly. However there are very marked differences between the standing-committees in these two legislative bodies of the mother country and her earliest American colony, and these differences must be examined with care.

In his monograph, already cited, Dr. Jameson shows the English origin of the system of standing legislative committees, which has become one of the most characteristic features of the American legislative system. While it is not the province of this study to examine the development of the standing committees in Parliament, a brief 'résumé' of Dr. Jameson's conclusions will help the student to appreciate the differences

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<sup>132</sup> Ibid, pp. 177, 178, 179.



between the two systems. Beginning with the procedure of the House of Commons in the reign of Queen Elizabeth, he traces the gradual growth of the system through the various Parliaments up to the point of its highest development in the Barebone's Parliament of 1653. In this Parliament there were a number of select committees bearing a close resemblance to those which we have examined in the system of the House of Burgesses. This is the nearest approach to a system of select standing-committees that one notices in the proceedings of the British House of Commons; for Cromwell's Parliament of 1654, which was a more conservative body, soon began to revert to the older system of larger and more unwieldy committees, usually committees of the whole, which the second Parliament of the Protectorate completely restored. From the second Parliament of Charles II, in 1661, down to the session of 1832, with scarcely a break, at the beginning of each session, the House of Commons appointed a number of its body, usually from one to <sup>hundred</sup> three hundred members to be a committee of privileges and returns. It also appointed committees of the whole house for religion, grievances, trade, and courts of justice. After the reign of Charles II. the committees of the House of Commons did not develop beyond the point they had reached in his reign. Indeed, they became less and less prominent after this time, and their use gradually declined as the English Parliament developed the cabinet form of government. The story of the committee system in the British Parliament after the reign of Charles II. is one of gradual decline, and one must look to the American colonies to see the full development of the system into an important factor in colonial government.<sup>133</sup>

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<sup>133</sup> Jameson, The Origin of the Standing-Committee System, pp. 248-262.



New England seems to have played little part in the development of the colonial system of standing legislative committees, which was worked out in the Middle and Southern colonies; but earliest in Virginia where the committee system, as we have seen, early reached a high state of usefulness, and had an important share in the legislative procedure of the House of Burgesses. Although the history of the standing-committee since 1789, from the date of the formation of our federal government to the time of the virtual completion of the committee-system in its Congressional form in the time of Speaker Henry Clay, has been carefully worked out, it was for a long time looked upon as a purely American institution, and a careful study of the committee-system prior to 1789 had been neglected until the monograph of Dr. Jameson appeared. This ~~careful student~~ <sup>valuable study</sup> gives two reasons for this neglect: (1) That the system which had been used at an earlier date in the House of Commons in that body having become virtually extinct, observers have probably regarded the system of American standing legislative committees as a purely American invention. (2) That as it did not figure to any large extent in the colonial legislatures of New England, those American historical writers who were New Englanders (perhaps a majority of all our contributors to American History) have overlooked the fact that the system existed previous to 1789.<sup>134</sup> With an imperfect understanding of the standing legislative committee-system, which played so important a part in the legislative life of the Middle and Southern colonies, it is not hard to understand why the historians of New England should have attached an undue a-

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<sup>134</sup> Ibid, pp. 246, 247, 262, 263.



mount of importance to the local revolutionary committees of Massachusetts. However important the work performed by these committees in organizing revolutionary sentiment in the various townships of Massachusetts and binding them together in the resistance of the British, it seems a rather vague historical inference to assume that the inter-colonial committee of correspondence was an extension of this system of local committees: nor has the writer seen any evidence upon which such a claim could be reasonably based. Indeed it seems far more probable that the intercolonial committee of correspondence was an adaptation to colonial revolutionary needs of <sup>the</sup> a committee appointed to communicate with the colonial agent- a committee that was well known in the Southern and Middle Colonies. A thorough examination of the Virginia Committees of Correspondence, which will be made in the next chapter, will give the writer's for looking upon the committee of correspondence appointed for communicating with the agent as the prototype of the intercolonial committee of correspondence of 1773.

But first it is important that the differences between the system of standing committees in use in the House of Burgesses and the system that, since the days of Charles the Second, had been falling into disuse in the British House of Commons, should be carefully examined. It will be noticed that though the names and functions of several of the standing committees in the House of Burgesses (privileges and elections, propositions and grievances, religion, courts of justice, and trade) are similar to those of their analogues in the House of Commons, there is a marked difference in the size and nature of the committees. Of the committees in the British legislature, all save the committee of privileges and returns were committees of the whole House, and the committee of privileges and returns was a large, unwieldy body composed of from one hundred to three hundred members; whereas the standing com -





mittees of the House of Burgesses were select committees, smaller and more workable than their larger English analogues. Although the standing legislative committee that came to play such a prominent part in the procedure of the Virginia Assembly was an adaption of an English mode of legislative procedure, yet the system was not adopted bodily, but was borrowed in part as needs for similar committees arose and was modified to best serve the legislative needs of the new colony. As the House of Burgesses increased in size, and as the problems for legislative solution multiplied with the growth of the colony, this committee system, modelled after the system of the House of Commons, was modified into <sup>the</sup> a system of select workable committees, whose work we have already examined.

From the first mention of the committee of elections and privileges in the House of Burgesses to the appearance of the committee of trade, there is a period of seventy-nine years, and it was more than one hundred years from the appearance of the first of the five traditional standing committees of the House of Commons, the committee for elections, to the appointment by the House of Burgesses of another of the traditional committees, that of religion. Moreover, the House of Burgesses had appointed at an early date another standing-committee, - that of public claims, which does not seem to have had an analogue in the English legislature. However much the system of the House of Burgesses may have been modeled after that of the House of Commons, and it was undoubtedly from English precedents that most of our governmental ideas came, the wide space of time during ~~the~~ which the standing committees were transplanted to this country, and the modifications made in the system, show unquestionably that the system was not blindly followed but was adopted and modified as the need for such committees became apparent.



Just as Virginia had been the first of the American colonies to establish an Assembly, just as she was the first to develop a system of legislative standing-committees, so too was she the first to establish a colonial agency in England.<sup>135</sup> It is not within the scope of this study to examine the development of the colonial agencies in England, but since the maintenance of such agencies resulted in the appointment in most of the Middle and Southern colonies of committees of correspondence for instructing the agents and for communicating with them; and since these committees developed into important standing recess committees of the General Assemblies, which eventually came under the de facto control of the lower branches of the General Assemblies, it is important that the rise of the committee of correspondence in Virginia and the Southern and Middle colonies should be briefly examined.

As early as 1624 Mr. John Pountis, one of the Governor's Council, was appointed by the Governor, Council, and Burgesses "to sollicite the general cause of the country to his Majesty and the counsell," and a special tax of four pounds of tobacco was levied on each male inhabitant of the colony sixteen years of age toward the charges of his voyage to England.<sup>136</sup> In September, 1674, Secretary Ludwell and Colonel Daniel Parke were appointed by the General Assembly to negotiate in England on behalf of the colony, "concerning late grants made to certain lords patentees",<sup>137</sup> which had greatly alarmed the colonists: and the negotiations for a new charter which had been rushed by Secretary Ludwell and Colonel Parke were carried on by Francis Morryson, Thomas Ludwell, and Robert Smith, when they were appointed agents for the Governor, Council, and Burgesses of

<sup>135</sup> Edwin P. Tanner, "Colonial Agencies in England during the Eighteenth Century." in Political Science Quarterly, March, 1901, vol. xvi, No. 1, pp. 27, 28.

<sup>136</sup> Hening, Statutes at Large, vol. 1, p. 128.

<sup>137</sup> Hening, II, pp. 311, 312, 313, 314. These grants were to six tobacco ones made by Charles II to Calpeper and Arlington.



Virginia.<sup>138</sup>

Provisions for a permanent agency seem to have been made about 1680, when an agent was appointed to represent the colony as a whole, but who acted under the direction of the Governor and Council.<sup>139</sup> This kind of agency does not seem to have satisfied the House of Burgesses, who in the conflicts that arose between the legislative and executive branches of the colonial government, wished to have an agent in England who would represent them in these disputes, and who should act under their orders. Several times in the disputes that arose between the House of Burgesses and Governors Spotswood and Dinwiddie, the Burgesses sent special agents to England to present their side of the disputed matters to the king and his Council, and to the various ~~administrative~~ boards of the Administration. Throughout a long period continued efforts were made by the House of Burgesses to secure an agent who should be responsible to them alone, and entirely under their direction and control.<sup>140</sup> The long struggle over the agency culminated in 1759 with the appointment of Edward Montague as agent to represent the General Assembly, and he was put under the control and direction of a committee of correspondence composed of members from both branches of the legislature. This committee of correspondence was a joint ~~extra~~ standing committee of both legislative branches, with authority to act in the recess for the General Assembly in all matters of business with the agent, and the law required them to lay their correspondence and the record of their proceedings before each session of the General Assembly.<sup>141</sup> In reality this committee was controlled by the Bur-

<sup>138</sup> Hening, ii, p. 523.

<sup>139</sup> Dinwiddie Papers, i, 37, note.

<sup>140</sup> Journal of the House of Burgesses, 1752-1755, pp. 307, 308, 311, 313, 314, 386, 387, 389, 390, 393, 501, 502, 503.

<sup>141</sup> Hening, Statutes at Large, vii, pp. 276, 277.



gesses in as much as its members constituted a majority of the committee of correspondence, and by means of this majority the lower branch of the legislature could always control the agent and shape the instructions sent him by the committee.

This was the nearest approach to an agency entirely under control of the House of Burgesses until March, 1773, when the Burgesses adopted a resolution appointing a committee of correspondence, whose duty should be to maintain an intercolonial correspondence with the other colonies on matters of mutual interest, and "to obtain the most early and authentic Intelligence of all such Acts and Resolutions of the British Parliament, or Proceedings of Administration, as may relate to or affect the British Colonies in America."<sup>142</sup> In order to obtain information from England regarding Parliamentary or Administrative Board action concerning the American colonies, the committee of correspondence named as their agent in England John Norton, a prominent merchant of London, who accepted the position offered him and became their agent. To carry out their ideas of intercolonial correspondence the committee of correspondence wrote to the other colonies asking that similar steps should be taken. The system of intercolonial correspondence developed by this means will be discussed in another chapter.

Edwin P. Tanner, in his monograph on the Colonial agencies in England,<sup>143</sup> follows the error made by the editor of the Dinwiddie Papers in stating that from the appointment of Montague as agent for the General Assembly "there were regularly two agents <sup>of</sup> ~~for~~ Virginia, one for the gov-

<sup>142</sup> Journals of the House of Burgesses, 1773-1776, pp. 28, 41.

<sup>143</sup> Edwin P. Tanner, "Colonial Agencies in England during the Eighteenth Century." in Political Science Quarterly, March, 1901, vol. xvi, No. 1, p. 47; Dinwiddie Papers, 1, 37, note.





ernor and council, another for the house, the salaries of both being ~~pro-~~  
 provided for by the general assembly as a whole." Now, this is exactly  
 what did not happen; for Abernombie was retained as agent for the Gov-  
 ernor and the Council, acting in their executive capacity, as his advis-  
 ers, while Montague became the agent, not of the House of Burgesses alone,  
 but of the General Assembly, which was made up of the two legislative  
 branches, the Council, acting in its legislative capacity as the upper ~~house~~  
 house of the General Assembly, and the House of Burgesses, the popularly  
 elected branch. A failure to observe the <sup>triume</sup> ~~triume~~ nature of the functions of  
 the Council, which were both executive, ~~and~~ legislative, and judicial,  
 may account for some of the false conceptions of Virginia's colonial  
 governmental problems. The act of assembly of 1759, which <sup>named</sup> ~~constituted~~  
 Montague as agent and constituted the <sup>joint</sup> ~~committee~~ of correspondence from  
 both legislative bodies; the act of assembly of 1760, explaining this  
 very point of joint-legislative control of the agency; and the act of  
 assembly of 1763 for adding sundry persons to the committee of corres-  
 pondence; and the act of assembly of 1765, which continued the above  
 acts, - all present conclusive evidence that the agency was under joint  
 control of both Council and Burgesses.<sup>144</sup>

In the Southern and in most of the Middle colonies the agencies  
 of the General Assemblies were controlled through committees of corres-  
 pondence similar to that appointed by the Virginia legislature. In 1771

276, 277,  
 144 Hening, Statutes at Large, vol. vii, pp. 375, 376, 377, 646, 647; Hening,  
 viii, p. 113;



the General Assembly of North Carolina appointed Henry Eustace McCulloch as agent to solicit the affairs of the province in England and named a joint committee from both branches of the legislature to act as a committee of correspondence. This committee was composed of two members of the Council and five members of the Assembly.<sup>145</sup> After several special agencies, South Carolina, in 1721, by an act of the General Assembly, appointed Francis Yonge and John Lloyd, members of the Council and of the Commons House respectively as agents of the colony. They were to act under "such orders as they might receive from the governor, council, and assembly before embarkation, and from the Committee of correspondence afterwards."<sup>146</sup> This committee was composed of two members from the Council and five from the lower house, any three of whom should constitute a quorum; but an additional ordinance added Richard Beresford and John Barnwell of the Commons House of the General Assembly to the committee and increased the quorum to four, of whom one at least should be a member of the upper legislative branch.<sup>147</sup> The committee were ordered by the act of assembly to carry on a regular correspondence with the agents, send over <sup>the</sup> orders of the general assembly, and give such instructions as they might think proper when that body was not in session. This committee, revived from time to time, lasted until the outbreak of the Revolution, when it was utilized

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<sup>145</sup> Laws of North Carolina, 1771, in State Records of North Carolina, vol. xxiii, p. 854. This committee of correspondence consisted of Lewis Henry DeRosset and Marmaduke Jones, Councillors, and Richard Caswell, John Harvey, James Moore, Joseph Montfort, and Robert Howe of the lower house. Of the members of this committee three, Howe, Caswell, and Harvey were members of the intercolonial committee of correspondence of 1773.

<sup>146</sup> Statutes at Large of South Carolina, Thomas Cooper and David J. McCord 10 vols, Columbia, 1836-1841. vol. iii, pp. 146, 147

<sup>147</sup> Ibid, p. 157. For an interesting sketch of the development of the colonial agencies of South Carolina see Smith's South Carolina as a Royal Province, pp. 159-170.



by the Commons House of Assembly for the purposes of intercolonial correspondence in answer to the suggestion of the Virginia House of Burgesses in 1773.<sup>146</sup>

The development of the agency for Georgia seems to have been very similar to the development of the South Carolina agency. In 1762, the general an act of <sup>the</sup> assembly was passed by which William Knox was appointed agent, and a committee of correspondence, consisting of five members of the council and six members of the lower house, was constituted to issue instructions and maintain a correspondence with the agent. This act was to be in force one year from May 1, 1762.<sup>149</sup> This agent and the committee of correspondence were continued by re-enactments of the statute, in 1763 for <sup>150</sup> a period of one year, and in 1764 <sup>151</sup> for another ~~year~~ similar period. In 1768, an act of assembly was passed naming Benjamin Franklin, agent for one year from June of that year, and appointing a joint committee of the legislative branches to be a committee of correspondence.<sup>152</sup> Some idea of the importance of this committee may be gathered from the provision made by the General Assembly for salaries to the clerk and messenger of the committee.<sup>153</sup> Franklin was re-appointed agent from June, 1770 to June, 1771; and <sup>from</sup> in November, 1773, he was again appointed agent for the term of one year, the committee of correspondence being again named in each of these acts constituting him agent for the colony.<sup>154</sup> Not only was Franklin

148 Smith, South Carolina as a Royal Province, p. 162, note 3. "This committee, revived from time to time, was continued in existence until the Revolution. During the last few years of the colonial period, however, its members were nearly all drawn from the lower house and it was entirely under their control. When the colonies began to appoint committees to correspond with one another in 1773, the South Carolina assembly found it unnecessary to appoint a new committee and simply utilized this."

149 Georgia, Colonial Records, vol xviii, pp. 481, 482, 483.

150 Ibid, pp. 536, 537, 538.

151 Ibid, pp. 580, 581, 582.

152 Ibid, vol. xix, part 1, pp. 12, 13, 14.

153 Ibid, pp. 129, 485.

154 *See* *ibid*, pp. 199, 200, 201, ~~206, 207, 508~~ 249, 250, 251, 252.



re-appointed agent, but Grey Elliott was named as an alternate to act for one year but only in Franklin's absence.<sup>155</sup> On September 10th, 1773, the Commons House of Georgia named the speaker of the house, who was also a member of the committee of correspondence appointed to correspond with the agent, and any five of the committee to be a committee of correspondence to carry on a correspondence with the other colonies.<sup>156</sup> Here we see the Georgia assembly utilizing the standing committee of correspondence just as had been done in South Carolina.

is most interesting. It  
~~of the~~ the Middle colonies the New York agency ~~seems to have~~  
 came into the hands of the Assembly by 1748, and it is in this colony that the popular house seems to have won a complete victory by gaining exclusive control over the regular agency.<sup>157</sup> On April 16, 1716, Secretary Popple wrote to Governor Hunter of New York on the necessity of each colony maintaining an agent in England, and urged him to use his influence in having an agent appointed for that colony.<sup>158</sup> On October 2nd, of the same year, Governor wrote to the Board of Trade informing them that the General Assembly had appointed John Champante, agent, and inclosing the act of appointment.<sup>159</sup> In February, 1738, Lieutenant-Governor Clarke wrote to the Board of Trade,<sup>160</sup> that the New York Assembly had attempted to pass a bill creating an agency exclusively under the control of the low-

<sup>155</sup> Ibid, pp. 506, 507, 508.

<sup>156</sup> Georgia, Colonial Records, Journal of Commons House, vol. xv, 521-127.

<sup>157</sup> Tanner, Colonial Agencies in England during the Eighteenth Century, p. 43; Documents relating to the Colonial History of New York, vol. vi, p. 420, Letter from Governor Clinton to the Lords of Trade.

<sup>158</sup> Documents relating to the Colonial History of New York, v, p. 473, Letter of Secretary William Popple to Governor Hunter.

<sup>159</sup> Documents relating to the Colonial History of New York, v, p. 418, also p. 480, Letter from Governor Hunter to the Board of Trade.

<sup>160</sup> Documents relating to the Colonial History of New York, vi, p. 113. This letter says: "They [the assembly] did likewise the last Session pass an act, empowering themselves to appoint an Agent independent of a Governour or the Council; But the Council, who were not averse to exclude the Governor, would not be excluded themselves, they therefore made those alterations; but the Assembly would by no means agree to them, so that the bill dropt."





er house; but that this bill was so amended by the council that it was  
dropt by the assembly. In 1748, the assembly appointed an agent, placing  
him under the direction of a committee of correspondence, chosen exclu-  
sively from the lower house. A letter from Governor Clinton to the Board  
of Trade tells how the measure providing for  
the agent's salary was attached as a rider to the bill  
for the support of the Governor, so that the executive ~~assent~~ assent might  
not be withheld for fear of cutting off the appropriations for the main-  
tenance of the Government.<sup>161</sup> In 1765 the New York Assembly was represent-  
ed at the Stamp Act Congress by its standing committee of correspondence.<sup>162</sup>  
This is significant, here is the use of a committee of correspondence in  
a congress, which was looked upon as a meeting of committees from the  
colonial assemblies, seven years before the appointment of the local com-  
mittees of correspondence of Massachusetts, which have been so often  
credited with having been the starting point of the intercolonial commit-  
tees of correspondence.  
as far as the writer of this ~~is~~ <sup>has been able to</sup> determine  
without any evidence to support the claim.

In New Jersey the most significant feature of the development  
of the colonial agency, is that the order of development seems to be ex-

161 Documents relating to the Colonial History of New York, vi, 420,

Governor Clinton to the Lords of Trade. Concerning the appointment of  
the agent Clinton says: "I am still under the necessity of informing  
Your Lordships that the Assembly of this Province continue to encroach  
upon the powers of the Crown in the appointment of all their Officers,  
and have lately (among others) named one Mr. Charles Agent for the  
Province without my knowledge, privity or consent, otherwise than by  
telling me, they had made provision for this Gentleman, being recom-  
mended by Sir Peter Warren; and as they inserted his Salary in the  
Bill which gives my support I was obliged either to yield to their  
method of appointing an Agent, or go without my own Appointments. I  
find that this Gentleman is to act for the Assembly independent of  
the Governor & Council, which to me is a very extraordinary proceed-  
ing: Therefore I humbly move your Lordships, that you'll be pleased  
not to suffer Mr. Charles as Agent of this Colony to prefer any Memorial,  
Representation or Instructions from the Speaker of this Assembly,  
or from a Committee of said Assembly without my concurrence & assent  
thereto signified to your Lordships by Letter concerning the same."

See also Letter from Governor Clinton to the Lords of Trade, dated October  
20th, 1748 in Documents relating to the Colonial History of New York, vi,  
p. 425.  
162 Journal of the Stamp Act Congress, Nichols Register, July 25 1812  
Also Nichols' Private and Secret in the Revolution, 159-161, and  
Benson J. Lossing, Seventeen Hundred and Seventy-six p. 64.



actly the reverse of what it was in the other colonies. In New Jersey the agency was first established by the house; then a separate agent was employed by the council; and finally there was a single agent for governor, council, and assembly. This was a reversal of the usual order; but through its control of the committee of correspondence the house never lost practical control.<sup>163</sup> In December, 1769, the committee of correspondence of the New Jersey ~~the~~ assembly wrote to Benjamin Franklin, notifying him of his appointment as agent to represent the colony in England, and apprising him of the fact that they had been appointed a committee to correspond with him. This committee was composed of six members of the assembly; but as the resolution of the house in which they were constituted a committee was duly attested by the governor, there does not appear to have been any friction with the executive over their appointment.<sup>164</sup>

In 1774 the New Jersey committee of correspondence, which had been appointed in response to the call of the Virginia House of Burgesses, selected Franklin, who had been their agent in England, to give them information of acts of the English government that might affect in any way the liberties of America.<sup>165</sup>

The development of the agency in Pennsylvania seems to have received its first impetus from the executive, who in 1716 took the first steps toward establishing an agency; but his efforts do not seem to have resulted in the establishing of a permanent agency. In 1731, the colony

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<sup>163</sup> Tanner, *Colonial Agencies in England during the Eighteenth Century*, pp. 47, 48.

<sup>164</sup> New Jersey Archives, First Series, vol. x, pp. 135, 136, 137, 138, 139, Letter from New Jersey committee of correspondence to Benjamin Franklin, dated December 7th, 1769.

<sup>165</sup> Sparks, *Works of Benjamin Franklin*, viii, p. 126. Concerning the selection of Franklin to give them information regarding any acts of parliament affecting the colonies, the committee write as follows: "At the last session of ~~the~~ Assembly we were appointed a committee, to obtain amongst other things the most early and authentic intelligence of all



was represented by Ferdinand John Paris, who was agent for a number of years. In 1757, Franklin, who was leader of the opposition to the proprietors in the dispute that had arisen between them and the people of the province over the taxation of the proprietary lands, was sent to England as agent to appeal to the Crown. Although the British government at first refused to receive him, he eventually obtained a hearing, and won a victory that was signal and complete. He returned to America in 1760, but was again sent to England in 1765 as assembly agent to secure the repeal of the stamp tax. The author has been unable to find much material bearing on the Pennsylvania agency, possibly due to the fact that the agency was maintained somewhat irregularly; but it is ~~xxx~~ certain that in 1774 the Assembly had a committee of correspondence as a medium of communication with the agent, and it was to this committee that the duties of intercolonial correspondence with the other intercolonial committees of correspondence were intrusted. Here again, just as in South Carolina and in Georgia, the already existing committee of correspondence was made use of as a means of securing united action by the colonies in defence of colonial rights.<sup>167</sup>

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acts and resolutions of the Parliament of Great Britain, or the proceedings of administration, that may have relation to, or in any ways affect, the liberties of America.

"We know of no person so proper to make application to, on this occasion, as to you, our Agent: and we should be glad if you would favour us with any, that should come to your knowledge, or that you would point out any more proper mode to enable us more effectually to answer the purpose for which we are appointed."

166 Tanner, Colonial Agencies in England during the Eighteenth Century, pp. 48, 49.

167 Gordon, History of Pennsylvania, p. 463. Gordon, giving as his authority the "Votes" of the Pennsylvania assembly, says: the duties of a committee of correspondence intercolonial were imposed on the standing committee of correspondence, for communication with the colonial agent which, in 1774, consisted of the following members of the assembly;— Samuel Miles, Thomas Mifflin, William Redman, Isaac ~~xx~~ Pearson, and John Morton.





In the New England colonies the committee of correspondence does not seem to have played a very large part in the communication with the agency. Only in the colony of New Hampshire has the author been able to find any record of a standing committee of correspondence in connection with the colonial agency. On January 18th, 1771, a resolution was passed by the New Hampshire Assembly appointing the speaker, John Wentworth, William Parker, and John Sherburne, with such others as the council should appoint, to be a committee "to write to the agent for this Province at the Court of Great Britain."<sup>168</sup> This resolution was concurred in by the council, and that body named three of their number to act with the above representatives on the committee.<sup>169</sup> It may be noted here that when the committee of correspondence of 1773 was appointed by the New Hampshire assembly, the three representatives who were on the committee named in 1771, were made members of the *Committee of Correspondence* intercolonial committee.

In none of the other New England colonies has the author of this study been able to find any mention of the committee of correspondence as a medium of communication with the colonial agent. In Rhode Island and Connecticut both the governor and council were elective, and drew their authority from the same source as did the assembly. Here there would be no need for a committee of correspondence to communicate with

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<sup>168</sup> Provincial Papers, New Hampshire, 1764-1776, vol. vii, p. 272.

<sup>169</sup> Ibid, p. 272.

<sup>170</sup> Tanner, Colonial Agencies in England in the Eighteenth Century, p. 49.





the agent, for the governor could be trusted to look out for the best interests of the colony whose people elected him ; and it was to the chief executive that the assembly looked to communicate their instructions to the agent, and to maintain a correspondence with him upon matters of interest to the welfare of the colony.<sup>171</sup> In the records of Rhode Island there seems to be no mention of a committee of correspondence to communicate with the agent; but in 1764 the assembly of that colony appointed a committee which seems to have had much the same objects in view as did the committee of correspondence appointed by the assembly of Virginia, in 1773. On October 8th, 1764, this committee addressed letters to the speakers of the other colonial houses of assembly proposing that the sentiments of the various colonies be obtained regarding the rights of the colonies; and suggesting that the colonies unite in a common defence of their liberties. It was also suggested that the agents of the several colonies should unite in aiding in the securing of these rights.<sup>172</sup> It is not unlikely that the united action of the colonial agents in ~~assisting~~ <sup>assisting</sup> ~~the~~ in securing the repeal of the Stamp Act did much to create a spirit

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171 Records of the Colony of Rhode Island, vol. vi, pp. 368, 484, 486, 491, 571, 593; Ibid, vol. vii, pp. 27, 28, 29, 30, 31. The act appointing Henry Marchant as joint agent for the colony of Rhode Island names the governor as the medium of correspondence with the agency.

172 Sparks, The Works of Benjamin Franklin, vol. vii, pp. 264, 265. This letter is in part as follows: "We have been appointed a committee by the General Assembly of the colony of Rhode Island to correspond, confer, and consult with any committee or committees that are or shall be appointed by any of the British colonies on the continent, and, in concert with them, to prepare and form such representations of the condition of the colonies, the rights of the inhabitants, and the interests of Great Britain, as connected with them, as may be most likely to be effectual to remove or alleviate the burdens which the colonists at present labor under, and to prevent new ones being added."

"If all the colonies were disposed to enter with spirit into the defence of their liberties; if some method could be hit upon for collecting the sentiments of each colony, and for uniting and forming the substance of them all into one common defence of the whole; and this sent to England, and the several agents directed to join together in pushing and pursuing it there, in the proudest and most effect-



of colonial solidarity ~~of interests~~ and helped to pave the way for the acceptance of Virginia's suggestion of the appointing of intercolonial committees of correspondence in 1773.

In Massachusetts the instructions to the colonial agent seem to have been usually prepared by a special <sup>joint</sup> committee appointed for that purpose. These instructions were reported by the committee to the <sup>general</sup> assembly; were adopted by that body, after any desired amendments had been made; and sent by the secretary of the colony to the agent. <sup>173</sup> The letters from the agent seem to have been considered in the same manner by <sup>a</sup> specially appointed joint committee of council and house of representatives, and this committee reported the result of its deliberations to the bodies from which its respective members were drawn. These committees seem to have been special committees, appointed for a specific purpose, after the performance of which the committee were discharged. They do not seem to have been permanent standing committees such as the Southern and Middle colonies appointed to correspond with their agencies. They do, however, seem to have <sup>been</sup> sometimes appointed ~~these committees~~ with power to work in the recess of the General Court; <sup>though</sup> ~~this~~ this does not seem to have been generally the case. <sup>173</sup>

In 1770 the Massachusetts House of Representatives appointed

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~~the~~ "in a usual manner, it might be the most probable method to produce the end aimed at."

173 Acts and Resolves of the Province of Massachusetts Bay, xiv, 1747-1752, Appendix ix, pp. 572, 697; Acts and Resolves of the Province of Massachusetts Bay, vol. xv, 1753-1756, Appendix x, pp. 257, 259, 364; Acts and Resolves of the Province of Massachusetts Bay, vol. xvi, 1757-1760, Appendix xi, p. 263.

174 Acts and Resolves of the Province of Massachusetts Bay, vol. xiv, 1747-1752, Appendix ix, p. 697.



Benjamin Franklin as their agent in England, at the same time naming Thomas Cushing, the speaker of the house, and James Otis and Samuel Adams, as ~~members~~<sup>175</sup> a committee to communicate with him. However, most of the correspondence ~~between~~<sup>176</sup> seems to have been between Franklin and Cushing. This committee for communicating with the agent was an entirely extra-legal body, and was so looked upon by Governor Hutchinson. It presents a marked contrast with the committees of correspondence of the Southern and Middle colonies, of which the Virginia committee of 1759, is a high type; for these committees were constituted by acts of assembly, which had been duly assented to by the executive, and had become law. In the main, it does not seem as if the committee of correspondence in connection with the colonial agency played either an important or a legally constituted role in any of the New England colonies *except New Hampshire.*

In passing the act of 1759<sup>177</sup> which created the agency for the General Assembly and named the joint committee of that body as a committee of correspondence, the Virginia House of Burgesses won a victory—though only a partial one. For several sessions of the general assembly they had endeavored to secure an agent. In 1755, a bill <sup>for appointing an agent</sup> had been introduced in the House of Burgesses, had passed two readings, but after having been amended in the committee, was defeated after the third reading. In 1756,<sup>178</sup> a bill for appointing an agent was prepared and introduced by the same

<sup>175</sup> Hutchinson, History of Massachusetts, vol. iii, p. 318; Smyth, The Writings of Benjamin Franklin, vol. v, pp. 283, 284.

<sup>176</sup> <sup>Smyth</sup> Writings of Benjamin Franklin, vol. v, pp. 292, 317, 363, 350, 391, 435, 448. Out of the rather extensive correspondence of Franklin while he served as agent of the Massachusetts House of Representatives only two letters seem to have been written to the committee.

<sup>177</sup> Hening, vii, 276, 277.

<sup>178</sup> Journals of the House of Burgesses, 1752-1755, 1756-1758, pp. 307, 308, 311, 313, 314.



committee that had prepared the bill at the preceeding session. This bill passed the House of Burgesses but was not concurred in by the council, and so did not become a law.<sup>179</sup> On April 4th, 1758, the House of Burgesses again granted leave that a bill for appointing an agent should be introduced, and Messrs. Charles Carter, Archibald Cary, and Richard Bland were appointed a committee to prepare the bill. This bill passed both branches of the legislature; but did not receive the assent of President John Blair of the council, who was at this time by virtue of his office, acting governor of the colony.<sup>180</sup> Blair does not seem to have been willing to assume the responsibility of assenting to this measure, which created for the legislative branches an agent of their own. In 1759, the bill for creating a colonial agent was passed by both legislative branches, received the assent of Governor Fauquier, and became a law.

One of the most significant things about the new agency was the length of the agent's term of office, and the tenure of the committee of correspondence, created under this act. The act of 1759 was to be in force for seven years, from its passage; and it was reenacted for a period of five years from the expiration of the original act. This gave the agency permanency, and, because of the fact that the act appointing the agent and creating the committee of correspondence was regularly passed by both legislative branches, and assented to by the executive, it had unquestioned legal validity. In none of the other colonies do the coloni-

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<sup>179</sup> Journals of the House of Burgesses, 1752-1755, 1756-1758, pp. 386, 387, 389, 390, 393.

<sup>180</sup> Ibid, pp. 501, 502, 503.





al agents seem to have been appointed for terms of over two years, though the terms were sometimes renewed through long periods. In the creation of the committee of correspondence and agency of 1759, the House of Burgesses had legalized, by obtaining the concurrence of governor and council, a committee and agent, <sup>as</sup> ~~which they might~~ <sup>when</sup> through a majority of the committee <sup>they might</sup> entirely control. The Burgesses had obtained in a legal manner an institution, which might lend itself readily to aiding the popular branch of the legislature in any clash of the executive with the popular party in the lower house. To what extent the workings of this committee might become revolutionary will be shown ~~in~~ in the next chapter of this study.

In the creation of this committee of correspondence to transact business with the colonial agent, the House of Burgesses had added another important standing-committee to the system of committees that had grown into such an important system in the procedure of the house. While this committee of correspondence was, as we have already seen, ~~is~~ a joint legislative committee; so completely was it under the control of the lower branch that it was, in effect, a committee of that body. From a committee, controlled and dominated by the lower branch of the legislature, to a committee with a membership drawn entirely from that body is only a short step; and this step, as we shall see, was taken in the establishment of the committee of correspondence of 1773, on the eve of the American revolution.

But it is in the fact that the House of Burgesses kept in close touch with their committee of correspondence, that their control of the committee is best shown; and the frequency with which the correspondence and proceedings of the committee were laid before the house is abundant evidence of this control by the lower legislative branch. It was through



a careful consideration of the papers of this committee that the House of Burgesses were able to know <sup>what</sup> had been done by the committee during the periods of recess between the sessions of the <sup>general</sup> assembly; and the correspondence with the Agent seems to have come up regularly for careful discussion in nearly every session of the House of Burgesses, after the establishment of the agency.

But after all it is in the membership of the committee of correspondence that the close connection of the committee of 1759, and that of 1773, with the standing committees of the House of Burgesses ~~is~~ is best evidenced; and strange to say this salient point seems to have been almost entirely disregarded by those writers who have examined the committee of correspondence.<sup>181</sup> Of the members of the committee of correspondence of 1759, those from the House of Burgesses were: John Robinson, Peyton Randolph, Charles Carter, Richard Bland, Landon Carter, Benjamin Waller, George Wythe, and Robert Carter Nicholas. An examination of the journals of the House of Burgesses for a period of ten years prior to their appointment to this committee of correspondence will show that most of them had served as chairman of one or more of the prominent standing committees; while all of them had served on some of these committees.

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181 See the two papers by E. I. Miller, in the William and Mary College Quarterly Historical Magazine; "The Virginia Committee of Correspondence, 1759-1770." in the July, 1913 number; and "The Virginia Committee of Correspondence of 1773-1775" in the October, 1913 number. In these papers, which were published nearly two years after this study was begun, Mr. Miller has reached very different conclusions from

those set forth in this study. Although Mr. Miller has examined some very valuable sources in the preparation of his papers, he does not seem to have made use of the material to the best advantage, in that he has failed to find in the material examined several important points that a careful search of the materials used by him should have clearly shown: namely, he has failed to note the continuity of the committee system of the Virginia House of Burgesses; He expresses doubt as to the expiration of the committee for corresponding with the agent, and this is clearly evidenced in the Journals of the House of Burgesses and in the laws for appointing the agents: "The ~~does not need to have clearly understood the nature of the agency as~~ established by the Act of 1759, neither the agent nor the Committee of Corres-



Surely it is not too much to infer, that these men had demonstrated in ~~the~~ their committee service their ability and fitness to be appointed to the new committee, for which the Burgesses had contended so long; and that the qualities for work and leadership that had been shown by them on the standing committees were factors in their choice to the membership of the committee for corresponding with the newly-appointed agent. It seems as unlikely that the system of standing committees should have had no effect on the committee of correspondence of 1759, as that the committee of 1759 should have been utterly forgotten in the creation of the committee of correspondence of 1773. The continuity of personnel seems to indicate an institutional connection in these two committees of correspondence; and ~~a~~<sup>their</sup> connection with the great system of standing committees of the body from which they were appointed- the House of Burgesses.

Of the committee of correspondence of 1773, four of its members, Peyton Randolph, Robert Carter Nicholas, Richard Bland, and Dudley Digges, had served on the committee of correspondence, for communicating with the agent, Digges having been added to the committee in 1763. Of these, Peyton Randolph, the speaker of the house at the time of the committee's appointment, in 1773, had been attorney-general of the colony, special agent to England in 1753, and had served as chairman of the committee of privileges and elections (1758, 1761), and as chairman of the committee of propositions and grievances (1762, 1764), and as members at various times of several of the standing committees; Robert Carter Nicholas, in 1773, treasurer of the colony, had served as chairman of the standing-committee of religion from the time of its creation in 1769, and as a member of the committees of privileges and elections, and of propositions and grievances; Richard Bland had been chairman of the committee of public

*correspondence of were representative of the House of Burgesses. It was already stated in the Act of 1759 that this agent was to represent the General Assembly and the committee of correspondence was a joint legislative committee from both House and Council. In his papers, Mr. Miller seems to have referred to much of the correspondence, when a study of the journals would have been more satisfactory.*





claims (1758,1761), chairman of the committee of privileges and elections (1762,1764), chairman of the committee of propositions and grievances (1766,1769,1772), and had served as a member of the committees for religion and for trade; Dudley Digges had served as a member of the committee of religion and of the committee for privileges and elections, and he became the chairman of the latter in 1775.

Of the other members of the committee of correspondence of 1773, Richard Henry Lee had served as chairman of the committee for courts of justice (1766,1769); Benjamin Harrison, as chairman of the committee of trade (1758,1761,1762,1764,1766,1769,1772) and as a member of the committees of religion, privileges and elections, and propositions and grievances; Edmund Pendleton, as chairman of the committee for courts of justice (1762,1764) and of privileges and elections (1766,1769,1772); Patrick Henry, though he had only been a member of the assembly since 1765, was a member of the committees of religion, propositions and grievances, and privileges and elections; Archibald Cary had served as chairman of the committee of public claims (1762,1764,1766,1769,1772) and as a member of the committees of religion, privileges and elections, and propositions and grievances; Thomas Jefferson, who at the time of his appointment to this committee of correspondence of 1773, was one of the youngest members of the House of Burgesses, was a member of the committee of propositions and grievances, to the chairmanship of which he rose in 1775. Only one member of the committee, Dabney Carr, does not seem to have served on any of the standing committees. He was a new member in the session of 1773, and died before another session of the assembly. Carr was chosen by the <sup>authors</sup> ~~the~~ of the resolutions of March 12, 1773 to move them in the House of Burgesses, at the request of his brother-in-law, Thomas Jefferson, who wished to give the new member an opportunity to display his ta-





in the body to which he had just been elected.

It was through their service on the standing-committees of the House of Burgesses that these members gained a thorough training in legislative procedure, and developed a capacity for constructive leadership that made them ready to take the lead in the stormy period soon to follow. Upon no other ~~satisfactory~~ basis can the overweening leadership of Virginians in the period from 1773 to 1787 be ~~any~~ satisfactorily explained. These, and other members of the House of Burgesses, coming from a popular assembly, which, for many years had been the most truly representative body on the continent, were close enough to their constituents to know just how far the people of the colony were prepared to resist British encroachments; and to what extent they could safely assume leadership. Moreover, their legislative training and experience gave to the representatives of Virginia in the first Continental Congress a leadership in that body, which Virginia's representatives were to retain for many years.

It was the thoroughly representative character of the Virginia House of Burgesses that made its members, whether they were sitting as the assembly or as a convention of delegates, feel that they were in deed and in truth the representatives of their people; and that these people would stand behind them in any action they might take in the representative capacity. In Virginia the problem was not to build up a unified sentiment among the people by town-meetings and revolutionary propaganda, but for the representatives to determine what measures must be ~~introduced~~ chosen to protect the colony's legislative rights. So thoroughly representative was the House of Burgesses that the action of that body seems to have nearly perfectly reflected the sentiment of the vast majority of the colony. It was this consciousness of the fact that



they would be supported by the people, whose representatives they were, that gave to the House of Burgesses their readiness to take decisive action in times of crisis; while the knowledge of the electors that their representatives were close enough to the people from whom they were chosen to follow those measures best-fitted for the preservation of popular government, gave to the people a confidence in the Burgesses they had ~~chosen~~ selected as their representatives. These two facts seem to have interacted. The confidence of the people in their representatives, made these representatives ready to take the initiative in any matter of importance; while the fearless activity of the Burgesses engendered a spirit of trust and confidence in the Virginia electorate. This made the House of Burgesses so responsive to public sentiment that, after the Stamp Act agitation in 1765, even such conservatives as Edmund Pendleton differed with such radicals as <sup>Patrick</sup> Henry, and the group that followed his leadership, rather as regarded methods and details than on essential principles.

Thus, throughout the revolutionary period, one finds a much greater unity of sentiment, and a far greater readiness to take the initiative, among the Virginia representatives than among those of any other colony. In Virginia public sentiment was probably as unified <sup>in the revolution</sup> as ~~the~~ <sup>any place</sup> is ever the case in a democracy when any great, radical change is proposed. Certainly in her Southern neighbors, Georgia and the two Carolinas, the Tory element was much larger and more troublesome and aggressive, and the few Tories in Virginia were in no measure comparable to the Loyalist element of New York, New Jersey, and Pennsylvania, who were a very large and influential part of ~~these colonies~~ <sup>their</sup> population. ~~Even~~ <sup>§</sup> In New England sentiment does not seem to have been as united, or her leaders as ready for action as in the Old Dominion. ~~In many of the colonies,~~ <sup>§</sup> Even in Mass-



Massachusetts, the leader of the more Northern colonies, the ~~parties~~ inhabitants do not seem to have been as ready to take decided action as in Virginia, the leader of the more Southern provinces. In Massachusetts, and in several of the other colonies, there were many who looked with distrust on Samuel Adams, who led the more Democratic element of the Massachusetts population; for Adams was a man more famous for his talents as an agitator than for his ability as a constructive leader: and the richer trading class, much of whose prosperity was supposed to be due to an evasion of the revenue laws, and whose leaders were Thomas Cushing and John Hancock, does not seem to have been followed with great unanimity by many Americans who felt that these rich tradesmen had "axes to grind" in their opposition to Great Britain. This distrust of the Massachusetts leaders, especially evident in the meetings of the early Continental Congresses, made it necessary that the initiative in the most important matters should come from the Virginia delegates, who had behind them the united sentiment of their colony; and whose prominence and important position in the affairs of their own province made ~~them~~ their leadership acceptable to the colonies as a whole. Especially in the drafting and adoption of the Declaration of Independence, was the ability of the Virginia delegates to take the initiative of the utmost importance. Nor did the Virginia delegates assume responsibility by taking unwarranted action; for their Burgesses, met in convention, had instructed the delegation to move and support <sup>such</sup> a declaration, and Richard Henry Lee, in ~~accord~~ accordance with these instructions, made the motion that paved the way for this great step toward independence.



The nearly frictionless transition from colony to commonwealth, testifies to the unity of sentiment in Virginia, so far as the inhabitants of the colony and their popularly chosen branch of the legislature were concerned. With the break down of the royal executive power, no revolutionary change came over the legislative branch of the colonial government, and no great ~~revolutionary~~ cataclysm separates the House of Burgesses from its successor- the Virginia legislature. The legislative transition was so gradual that it might be termed evolutionary rather than revolutionary. No great change of personnel, or in the procedure, of the House of Burgesses, marks the transition. Before it was known, with any degree of certainty by the people of the colony, to what degree the arbitrary actions of Dunmore would be carried; but while there were deep suspicions that he would continue to dissolve the assembly, unless that body should put the selfish <sup>and short-sighted</sup> policies of the British Parliament before the interests of the colony itself, the Burgesses were elected in each county, not by any revolutionary, or unusual procedure, but by the duly qualified electors, voting in accordance with the election laws that had long governed elections in the colony. But the members of the House of Burgesses were authorized by their constituents, in event of the governor's refusal to allow them to sit as an assembly, or upon any sudden dissolution of the assembly after it had come together, to meet as a convention to consider the legislative needs of the colony. To the careful student of History, who looks beneath legal forms for the facts that are so often obscured by these forms, the action of Lord Dunmore, in his irritating policy of dissolution and prorogation of the Virginia Assembly, will seem far more revolutionary than the action of the Burgesses in coming together as a "convention", after his dissolution of the assembly had clearly manifested his intention of thwarting any expression of the





general will of the people he had been sent out to govern.

A careful examination of the proceedings of the Virginia House of Burgesses will convince the unbiased student of history that, whatever charges might be brought against the members of that body, they could not be justly accused of either unfaithfulness or indifference to the interests of their constituents.<sup>182</sup> There is not the shadow of a doubt but that they were the representatives of the Virginia people in a far more real way than the British Parliament was at this time representative of the British people. The House of Burgesses, during the period of two decades preceeding the actual outbreak of the Revolution, whether sitting as a Colonial Assembly or as a Convention of Delegates of the people, was a body clearly representative of its constituents. Indeed, there does not seem to have been any doubt in any of their procedure, during the years from 1768 to 1776, that their action either as a legislative body or as a convention would be acquiesced in and supported by the people whose representatives they were. Revolutionary, only in so far as Parliamentary encroachment upon the jealously-guarded realm of local self-government threw them on the defensive, the members of the House of Burgesses were regularly elected representatives, just as legally chosen and not a whit more revolutionary in 1776, at the climax of Parliamentary aggression, than in 1765, when their bitter resistance of the Stamp Act marked their opposition to the changes in the English Colonial policy in its incipency.

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<sup>182</sup> Spotswood's Letters, vol. ii., p. 1. In complaining of the Burgesses elected, the governor says: "For the mobb of this country having tryed their own strength in the late election, and finding themselves able to carry whom they please, have generally chosen representatives of their own class, who as their principal



As we have already seen, the General Assembly of the Colony of Virginia, was composed of two Houses, the Council and the House of Burgesses. The former was appointed by the Crown, usually from a number of persons suggested by the Governor; while the latter was composed of representatives elected by the freeholders of the colony. But while the Council had legislative functions, as the upper house of the General Assembly, it had in addition executive duties as an advisory council to the governor and judicial functions as the General Court of the colony. The House of Burgesses, being only a legislative body and directly responsible to the people of the colony who elected it, the people looked to as the maker of their laws and the guardian of their rights. Any fight made against the encroachments of Parliament would naturally be waged by the House of Burgesses. It was in this body that most of the colonial legislation originated, and as the volume of legislative work increased, the system of legislative committees was developed and perfected. All legislation customarily originated in the lower house, and money-bills had to be initiated there, though a bill might be introduced in the upper house if it made no appropriation. Moreover, a bill, after it had passed both branches of the legislature, had to receive the assent of the governor before it became a law; but even then it might, under certain conditions, be disallowed by the British

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Recommendation, have declared their resolution to raise no tax on the people, let the occasion be what it will. This is owing to a defect in the Constitution, which allows every one, tho' but just out of the condition of a servant, and that can but purchase half an acre of land, an equal vote with the man of best Estate in the country." Dinwiddie Letters, vol. i, p. 100. "I am sorry to find them" he says of the Burgesses, "very much in a Republican way of thinking, and indeed they do not act in a proper constitutional way, but making encroachments on the prerogatives of the crown."



Crown. It was to the lower house of the Assembly, as their own elective body, that the people of the colony looked for representation: it was here that any encroachment by the prerogative upon the charter rights of the colony would naturally be opposed.

In order to determine with any degree of accuracy how representative a body the House of Burgesses was, it will be necessary to examine both the qualifications of the electors and the laws governing the election of Burgesses. If it is found that the House of Burgesses was a body representative of the mass of people of the colony, it will be safe to ~~presume~~ assume that the system of committees employed by the Burgesses was used to further the best interests of the colony at large. We find that as early as 1610, when the first Assembly was called together, the House of Burgesses was an elective body, whose members were chosen by the people.<sup>183</sup> From this time up to 1670, when a law was passed restricting it, the basis of suffrage was universal to freemen. In October, 1670, it was enacted by the general Assembly, that "None but freeholders and housekeepers who only are answerable to the publique for the levies shall hereafter have a voice in the election of any burgesses in this country; and that the election be at the court house."<sup>184</sup>

The acts of assembly, known as "Bacon's Laws", passed by the revolutionary House of Burgesses, in the year 1670, contain an act, repealing the act just mentioned, and restoring the suffrage to its former basis, that is, that all freemen were to vote as formerly together with all freeholders and housekeepers.<sup>185</sup> In 1677, after the suppression of

<sup>183</sup> William Wirt Henry, ~~Life~~ Patrick Henry, Life, Correspondence and Speeches, vol. i, p. 29.

<sup>184</sup> Hening, Statutes at Large, vol. ii, p. 280.

<sup>185</sup> Ibid, vol. II, pp. 256, 257.



Bacon's rebellion, Charles the Second issued a series of instructions to Sir William Berkeley, governor of Virginia, one of the articles of which ordered him to declare all laws passed under Bacon's influence "void and null".<sup>186</sup> In accordance with these instructions, the general assembly, in April, 1699, some time after the laws passed under Bacon's influence had been declared of no effect, enacted an election law, which provided that none but freeholders should vote for burgesses in any town or county. No woman, sole or covert, infant, or Polish recusant, was allowed to vote; and the penalty for any person who voted in an election, when not a qualified voter, was a fine of five hundred pounds of tobacco for each offence.<sup>187</sup>

The general assembly, in 1762, passed an elaborate law, entitled, "An Act for directing and better regulating the elections of Burgesses, for settling their privileges, and for ascertaining their allowances."<sup>188</sup> This statute is a carefully drawn piece of legislation, in which every detail of the method of calling and holding an election is set forth with great explicitness. Every safeguard that the law could throw around the election of Burgesses seems to have been provided. The qualification for suffrage was that every freeholder could vote, who did not fall under one of these classes: woman, sole or covert; infant under the age of twenty-one; recusant, convict, or any person convicted in Great Britain or Ireland, during the time for which he was transported; nor any free negro, mulatto, or Indian. It was provided that "every person who had an estate of freehold for his own life, or for the life

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<sup>186</sup> Ibid, pp. 424, 425.

<sup>187</sup> Ibid, vol. iii. p. 172.

<sup>188</sup> Ibid, vol. vii, pp. 517 to 530.





of another, or other greater estate, in at least fifty acres of land, if no settlement be made upon it, or twenty-five acres, with a plantation and house thereon, at least twelve feet square, in his possession, or in the possession of his tenant or tenants, for term of years, at will or sufferance, in the same county where he gives such vote; and any person having such, in fifty acres of land, in one tract, uninhabited, lying in two or more counties, shall have a right to vote in that county only wherein the greater quantity of the said land lies, although the same shall not amount to fifty acres, in either county; and every person possessed of twenty-five acres, with a plantation and house thereon, as aforesaid, lying in two or more counties shall have a right to vote in that county only where the house shall be, and every person possessed of a lot, in any city or town established by act of assembly, with a house thereon; at least twelve feet square, shall have a right to vote at such election."

This act of 1762 remained in force until 1769, when the November session of the assembly, passed an act to take its place.<sup>189</sup> The act of 1769 was substantially the same as the earlier statute of 1762, differing only in minor details. The length of tenure of land, the possession of which carried with it the right of suffrage, was reduced from one year to six months, this change of tenure requiring changes in the form of the oaths given by freeholders at the taking of a poll. This act also contained a more strict provision against bribery and corrupt practices in elections.

Having seen that the suffrage in Virginia was limited to freeholders, during most of the colonial period, and that the provisions

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<sup>189</sup>Hening, vol. viii, pp. 305 to 317.



of land-tenure constituting freeholding were not excessive for a new country, where land was cheap and plentiful, it is clear that the basis of suffrage in Virginia was much wider than it was in England at a corresponding period. It is also evident that, whatever defects the Virginia system of representation may have shown, its basis was more uniform; and it was better regulated by law than the representation in the House of Commons. While Parliament was controlled by corrupt and vicious methods, by flagrant and notorious bribery; the <sup>House of Burgesses</sup> ~~Assembly~~ of Virginia, through the committee of privileges and elections of the assembly, was enforcing strict and uniform election laws. Only in the decayed town of Jamestown, which was, about the time that we are considering, a "pocket-borough" in the hands of the Travis and Ambler families, do we find any approach to the "rotten borough", so common at this time in England.<sup>190</sup>

Having seen that the basis of suffrage was much wider than in England, let us now examine the proportion of those having the right of suffrage who appear to have exercised this privilege. Campbell estimates the population of Virginia, in 1756, as being approximately 293,000, of whom 120,000 were negroes.<sup>191</sup> This estimate would leave the white population slightly larger than the black, - about 173,000 in round numbers. The question in determining the representation of the people of the colony, in the House of Burgesses, is what per cent. of the white population actually voted for members of the assembly. Dr. McKinley, basing his fig-

<sup>190</sup> McIlwaine, Introduction to Journals of the House of Burgesses, 1758-1761, pp. viii, note 4.

<sup>191</sup> Campbell, History of the Colony and Ancient Dominion of Virginia, p. 494.



ures on a series of colonial election returns, worked up by President Lyon G. Tyler,<sup>192</sup> states that almost nine per cent. of the white population participated in the elections of the counties examined; or that one white person in eleven not only had the privilege of voting, but actually did perform that duty. Since the counties, returns of which are given by ~~Dr.~~<sup>Dr.</sup> Tyler, are all older Eastern counties of Virginia, where there was much large landed property, it is probable, that returns of the upper counties, where the holdings were smaller, and the people more democratic, would show an appreciably larger proportion of the population voting than in Tidewater Virginia. However the writer can only give this as a conjecture, as he has not been able to find returns from any of the Western counties for this period. A comparison of these figures presented by ~~Dr.~~<sup>Dr.</sup> Tyler, with results of work done on Massachusetts returns for a somewhat later period by Dr. Jameson,<sup>193</sup> and with the poll lists of New York City given by ~~Dr.~~<sup>Dr.</sup> McKinley,<sup>194</sup> shows that the

<sup>192</sup> Lyon G. Tyler, "Virginians Voting in the Colonial Period," in William and Mary College Quarterly Historical Magazine, vi, pp. 7-13. From this monograph the following figures are tabulated:

Election in counties of	Year	Per cent. voting.
Elizabeth City.....	1758.....	8.
King George.....	1758.....	10.
Prince William.....	1741.....	7 1/2.
Westmoreland.....	1741.....	7 1/2.
".....	1748.....	10.
".....	1752.....	8 1/2.
Essex.....	1761.....	10.
".....	1765.....	10.

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Average.....8.937

<sup>193</sup> J. Franklin Jameson, ————— New England Magazine, January, 1890.

<sup>194</sup> Albert Edward McKinley, "The Suffrage Franchise in the Thirteen ~~Engl~~ English Colonies in America," University of Pennsylvania Studies, p.



elective franchise was more widely exercised, and probably more widely conferred, in Virginia than in the Middle and New England colonies.

Elected by so wide an exercise of the privilege of suffrage, in elections around which the law threw every safe-guard, it is not strange that the Virginia House of Burgesses should have been a body <sup>very</sup> representative of the interests of its constituency. Nor do we wonder that, within its halls, there should have developed some of the most powerful champions of popular sovereignty that the world has known. In this legislative assembly such men as Patrick Henry, Richard Henry Lee, Thomas Jefferson, Richard Bland, George Mason, and George Wythe, gained their legislative experience; and formed those ideas of democracy that made them leaders in the advance-guard of those who fought for popular government, and representative, democratic institutions. When one looks at the ~~great~~ roll of great Americans, whose training in politics and government was received in the House of Burgesses, he feels that it was something more than an accident or a coincidence <sup>which</sup> ~~that~~ made that body the training school of statesmen. Its representative character, the high average of its membership, ~~and~~ the system of <sup>local</sup> self-government which it had built up, <sup>and</sup> its well regulated committee system of legislative procedure, - All of these help to explain the number of great men who went from its halls into the larger leadership of State and Nation.





## Chapter II.

### THE VIRGINIA LEGISLATIVE COMMITTEES OF CORRESPONDENCE.

On March 12th, 1773, the Virginia House of Burgesses appointed a committee of correspondence consisting of the speaker and ten of the leading members of that body. The reasons for the appointment of such a committee are given in the preamble to the resolutions, which were agreed to, *namine contradicente*, by the House of Burgesses sitting as a committee of the whole house upon the state of the colony.<sup>1</sup> The preamble stated that whereas, the minds of his Majesty's subjects in the colony had been much disturbed by various rumors and reports of proceedings tending to deprive them of their ancient, legal, and constitutional rights; and whereas, the affairs of the colony were frequently connected with those of Great Britain and of the neighboring colonies, which rendered a communication of sentiments necessary; in order, therefore, to remove the uneasiness, to quiet the minds of the people, and for the other good purposes mentioned, it was resolved that a standing committee of correspondence and inquiry should be appointed.<sup>2</sup>

This committee consisted of the following members: Peyton Randolph, the speaker of the House of Burgesses, Robert

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<sup>1</sup> Journals of the Virginia House of Burgesses, 1773-1776, p. 28

<sup>2</sup> Ibid, pp. 28, 41.



Carter Nicholas, the ~~Treasurer~~ of the Colony, Richard Bland, Richard Henry Lee, Benjamin Harrison, Edmund Pendleton, Patrick Henry, Dudley Digges, Dabney Carr, Archibald Cary, and Thomas Jefferson. Six of these were determined upon as a quorum, and it was stated that the business of the committee should be "to obtain the most early and authentic intelligence of all such Acts and Resolutions of the British Parliament, or Proceedings of Administration, as may relate to or affect the British Colonies in America; and to keep up and maintain a Correspondence and Communication with our Sister Colonies, respecting these important considerations; and the result of such their proceedings, from time to time, to lay before this House."

It was further resolved; that the committee should be instructed that they inform themselves at the earliest opportunity "of the principles and authority, on which was constituted a Court of Inquiry, said to have been lately held in Rhode Island, with powers to transmit persons, accused of offences committed in America, to places beyond the Seas, to be tried," and "that the Speaker of this House do transmit to the Speakers of the different Assemblies on this Continent copies of the said Resolutions and desire that they will lay them before their respective Assemblies, and request them, to appoint some person or persons of their respective bodies, to communicate, from time to time, with the said committee." <sup>3</sup>

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3 Ibid, pp. 28, 41.



This committee, it will at once be noticed, was a legislative committee, appointed by the House of Burgesses, the popularly elected branch of the Virginia Assembly from its own membership. Furthermore, it was a standing legislative committee with power to act in the recess between the sessions of Assembly; but it was amenable to the body by whom it was appointed, and its proceedings and correspondence had to be laid before the Burgesses at each session. Twelve of the British American Colonies responded to Virginia's suggestion, and each of them followed her example of appointing a committee of correspondence. In each of these the committee was appointed by the lower house; and in each the Speaker was a member of the committee. Each of the colonial legislative bodies, so responding, required the committee of correspondence to lay their proceedings and correspondence before them from time to time; and the duties assigned the committee were the same as those assigned the Virginia Committee. This meant that the committee, in whatever action it might take, must voice the wishes of the majority of the body by whom it was appointed and to whom it was responsible for what it might undertake. Such a chain of committees of correspondence, appointed by the assemblies and amenable to them, could be revolutionary only in so far as the bodies to which they belonged were revolutionary. However irregular the action of these committees may have seemed to the British Government, the first measures taken by them in opposition to the British encroachments on the rights, or supposed rights, of the colonial legislatures can hardly with justice be called revolutionary. Indeed, the measures urged by the committees looked forward to



a protection of colonial liberties by a closer union with the mother country, a constitutional union, which would guarantee their legislative functions to the colonial assemblies. Nevertheless, we shall see how it evolved into one of the chief factors in the making of the Continental Congress.

The resolutions of <sup>the</sup> Virginia's House of Burgesses, appointing the committee of correspondence, show that the work of the committee lay in two directions. The committee was instructed to obtain the earliest and most authentic news of the acts of the British Parliament, or proceedings of the Administration, relating to or affecting the British colonies in America. This was its first function; while its other function was to keep up and maintain a correspondence and communication with the other American colonies.<sup>4</sup> These two functions were of the utmost importance; for in what was transpiring in the home government beyond the sea lay the danger to American legislative freedom; while concerted action on the part of the colonial assemblies might guarantee the cherished right of internal taxation they had so long enjoyed. Public sentiment in the colonies had not ripened yet for a separation from Great Britain; and the colonies saw in united action a program which they hoped would work out a constitutional union, and which, while it protected their rights, would weld them closer to the mother country. Information of what was happening in England was important to the colonies; so too was authentic knowledge of the occurrences in the colonies themselves. It was such information from England and such knowledge of colonial affairs that the committee of correspondence was created to obtain and utilize.

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4 Ibid, p. 28.





The intercolonial committees of correspondence, as standing legislative committees appointed by the lower houses of assembly of the respective colonies, can hardly be considered extra-legal. In Virginia the committee of correspondence, appointed in March, 1773, which served as a model for the other intercolonial committees of correspondence, was but another standing committee added to the system of standing committees, already in use in the House of Burgesses. These standing committees of privileges and elections, propositions and grievances, courts of justice, public claims, trade, and religion had by this time become a permanent part of the legislative machinery of the House of Burgesses; and most of the routine work of that body was performed by these committees. <sup>5</sup>

For the institutional prototype of the intercolonial committee of correspondence, as well as for the principle underlying the committee system, one must look back of the local revolutionary committee of correspondence of Massachusetts, which Dr. Edward D. Collins has credited with being the model for our committee system and the germ of our government. In speaking of this Massachusetts revolutionary committee of correspondence as the starting point of his monograph on the committees of correspondence, Dr. Collins says, "It was a mother of ~~committees~~, and these committees, local and intercolonial, worked up the war. It initiated measures, and its activities comprehended legislative, executive and judicial functions. It was the germ of a government."<sup>6</sup> This conclusion does not

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5 J. Franklin Jameson, "The Origin of the Standing Committee System in American Legislative Bodies" in Political Science Quarterly, vol. ix, No. 2 pp.

6 Edward D. Collins, "Committees of Correspondence of the American Revolution" in Amer. Hist. Association Reports, 1901, vol 1,

The first part of the report deals with the general situation of the country and the progress of the work during the year. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and the prospects for the future.

The second part of the report contains a list of the names of the persons who have been engaged in the work during the year. It also gives a brief description of the work done by each of them. This part of the report is of great interest to the public, as it shows the names of the persons who have been engaged in the work and the results achieved by each of them.

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The seventh part of the report contains a list of the names of the persons who have been engaged in the work during the year. It also gives a brief description of the work done by each of them. This part of the report is of great interest to the public, as it shows the names of the persons who have been engaged in the work and the results achieved by each of them.

The eighth part of the report contains a list of the names of the persons who have been engaged in the work during the year. It also gives a brief description of the work done by each of them. This part of the report is of great interest to the public, as it shows the names of the persons who have been engaged in the work and the results achieved by each of them.

The ninth part of the report contains a list of the names of the persons who have been engaged in the work during the year. It also gives a brief description of the work done by each of them. This part of the report is of great interest to the public, as it shows the names of the persons who have been engaged in the work and the results achieved by each of them.

The tenth part of the report contains a list of the names of the persons who have been engaged in the work during the year. It also gives a brief description of the work done by each of them. This part of the report is of great interest to the public, as it shows the names of the persons who have been engaged in the work and the results achieved by each of them.

seem to be justified, either by the material introduced as evidence by the writer, above mentioned, or by that examined by the <sup>author</sup> ~~writer~~ of this study in the collection of material for this work.

The functions of the intercolonial committee of correspondence of 1773, as far as its duties in obtaining information from England regarding legislation and acts of administration touching the American colonies <sup>were concerned, were nearly</sup> ~~was~~ identical with the work performed by the committee of correspondence appointed in the Virginia Assembly in 1759. The committee of correspondence of 1759 was a joint standing committee of the two houses of Assembly, the House of Burgesses and the Council, created by them to correspond with the agent of the colony in England on all matters of interest to the colony. Although the Governor and Council, the appointive officers of the Virginia government, had been represented by an agent in England before 1739, the popularly-elected branch of the Assembly up to this time had no representative there.

In the administration of Governor Dinwiddie, a dispute had arisen between the House of Burgesses and the Governor regarding the "Pistole Fee"; and the Burgesses feeling that Mr. Abercrombie, <sup>7</sup> the agent for the Governor and Council, would represent the interests of those who employed him and not the interests of the colony as voiced by its elective body, had sent a special agent to England to represent them in this controversy. This had been a great inconvenience and expense to the colony, and had created a desire among the members of the Assembly

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<sup>7</sup> James Abercrombie, agent in England of the Governor and Council of Virginia, was a lawyer, and reserved as judge advocate to General St. Clair, in 1746. He was agent for North Carolina, 1748 to 1758, and was also a private agent of Governor Glenn of South Carolina.



for an agent who should represent the legislature of the colony in colonial matters that might come up before the Parliament ~~of~~ Administrative Boards in England.

The Agent's act was passed by the House of Burgesses on March 28, 1759, after having been amended and agreed to by the Council; and on April 5th, it received the assent of the Governor and became a law.<sup>8</sup> By the provisions of this act Edward Montague, of the Middle-Temple, was appointed the agent of the colony; to be at all times under "the direction of the honorable William Nelson, Thomas Nelson, Philip Grymes, and Peter Randolph, Esquires, [of the Council] John Robinson, Peyton Randolph, Charles Carter, Richard Bland, Landon Carter, Benjamin Waller, George Wythe, and Robert Carter Nicholas, Esquires, [of the House of Burgesses] who are hereby declared to be a committee of correspondence, to transmit such matters and things to him as shall be committed to their charge by the General Assembly; and to receive from him information and intelligence of his proceedings, as well in such cases as shall be to him intrusted by the said committee, or the major part of them, as in every other matter and thing that shall come to his knowledge, that may either affect or be for the interest of this colony."<sup>9</sup>

It was further provided that the committee of correspondence should, from time to time, as they might be required by the Assembly, lay before that body "copies of all such letters

<sup>8</sup> Journals of the House of Burgesses, 1758-1761, pp. 109, 110, 118.

<sup>9</sup> Henning, Statutes at Large, vol. vii, chapter vi., pp. 276-277.



and instructions as shall be by them sent to such agent, and also the originals of all letters by them received from the said agent." Only a majority of the committee were authorized by the act to work as a committee, and any member or members of the committee, less than a majority, who should presume to enter into a correspondence with the agent repugnant to the letters or instructions sent him by the majority of the committee, acting as a committee, should be guilty of a misdemeanor and liable to the censure of the General Assembly. The remaining clauses of the act provided for the appointment of a successor in case the present agent should die or be for any reason unable to serve; fixed the salary of the agent at five hundred pounds sterling per annum; and specified that the act should continue and be in force for a period of seven years from its passage. 10

The similarity of this committee of correspondence to the later committee, appointed by the House of Burgesses in 1773, is at once apparent. Each was a standing legislative committee. Each possessed the power to exercise its proper functions in the recess between the sessions of the legislature. The proceedings of each had to be laid before the body from which the committee was appointed and to which it was amenable. In the form of the committee and the manner of appointment the one bears a close resemblance to the other. An examination of their personnel reveals the fact that three of the original committee

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of correspondence of 1759, Peyton Randolph, Richard Bland, and Robert Carter Nicholas were members of the committee of correspondence appointed in 1773; while Dudley Digges, who was also a member of this committee, was added to the earlier committee for corresponding with the agent by an act of Assembly passed in May, 1763. <sup>11</sup>

To neither of these committees of correspondence, has the local revolutionary committee of correspondence, of which the first was appointed in Massachusetts in 1772, any points of striking similarity, if we except the fact that the object of all three was corresponding for a particular purpose. These Massachusetts committees were purely local committees, and, as important as was their work in advancing the revolutionary movement in the colony of Massachusetts itself, their activities were intracolonial rather than intercolonial. Rather than being the beginning of the use of committees as organizers of the revolutionary movement, they were but the narrowing down of the principle of correspondence to meet local needs and to effectively unify the public opinion within the colony itself. Dr. Collins' attempt to make these committees the parent of the wider and more far reaching movement is both misleading and confusing. Each of the colonies had two tasks to perform in order to enable the American provinces of Great Britain to successfully uphold their rights against the encroachment of the prerogative. The first task was to work out unity of sentiment among the

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11 Journals of the House of Burgesses, 1761-1765, pp. 193-196; Henning, vol. vii, pp. 646-647.



people of the colony itself--the intracolonyal problem, hard or easy of solution, according to the political organization and the feelings of the population on matters of colonial rights. The other task, far more difficult on account of the sectional feelings and different economic interests of the various colonies, was the problem of intercolonial relations--the working out of a union among the colonies themselves.

The method of securing <sup>the</sup> united action within the colony itself is a matter for which separate research must be made in the records of each colony, if any definite and satisfactory results are to be obtained. In each of the colonies different problems were constantly arising for solution; in none of them was the situation identical; <sup>in many cases</sup> and in most of them widely dissimilar conditions prevailed. It is hard to understand why Dr. Collins, after distinguishing between the revolutionary and intercolonial committees of correspondence, should have ~~needed~~ <sup>almost immediately</sup> ~~immediately~~ so confused them in his treatment of the subject, <sup>as to</sup> ~~that he~~ make the revolutionary committee the starting point for a committee of an entirely different nature--the intercolonial committee of correspondence.

The chief difference between the committee of correspondence of 1759 and the later committee of 1773, is that the former was a joint committee chosen from both houses of the Assembly; while the latter was a committee of the House of Burgesses alone. The fact that the committee of 1773 was chosen from the House of Burgesses alone, indicates that in the period of fourteen years since the creation of the first committee of



correspondence, the Burgesses had realized that a committee of correspondence under their sole direction would work far more effectively than <sup>a</sup> joint committee from both branches of the Assembly. During this period England's colonial policy had been changed almost completely in character. From a loose and ineffective supervision of colonial affairs, nearly laissez faire in its nature, had developed a policy of close and intimate regulation of colonial affairs by the Home Government, through the medium of its Board of Trade. Since 1763 the new imperial policy of the British Government had been at work; and the result of the attempts of the British Parliament to legislate for the colonies in local matters, especially in the field of internal taxation, had been to create in their legislative bodies a desire to protect in every possible way the rights that they, as representatives of the people, had so long exercised. In protecting these cherished rights the committee of correspondence was a most effective weapon.

While the committee of 1759 was a joint committee of both the legislative branches, it was virtually under the control of the House of Burgesses; for not only did they have a majority of the members on the committee; but an examination of their proceedings and correspondence during the period from 1759 to 1770, most of which has come down to us, <sup>12</sup> shows that the select committees who prepared the letters to the

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12 The proceedings of the committee of correspondence, 1759-1770, are preserved in the Archives Department of the Va. State Library. They have been published in the Virginia Magazine of History and Biography, vols. ix, pp. 353-368; x, pp. 337-356; xi, pp. 1-25, 131-143, 343-364; xii, pp. 1-14, 157-169, 357-364.



agent in nearly every case were composed entirely of the Burgess members of the committee of correspondence.<sup>13</sup> In the cases of which we have record where the select committee to prepare the letter to the agent contained members from both bodies; in one case there ~~was~~<sup>were</sup> appointed an equal number from the Council and Burgesses,<sup>14</sup> and in the others, a majority of the Burgess members.<sup>15</sup>

Most of the work of the earlier committee of correspondence consisted of instructing the colonial agent, Edward Montague, what legislation of the colony he should support before the King, Parliament, or the Board of Trade. In their letters of instruction they usually furnished the agent with reasons to be used by him in his arguments before the King or any of these bodies, whenever any law of the colony was called into question. Often, as in the case of the acts of 1755 and 1758, for allowing the inhabitants to discharge their tobacco debts in money,<sup>16</sup> a full and complete history of the circumstances surrounding the passage of the acts in question, was given.<sup>17</sup> The question raised by the opposition to the "Two Penny Act" was the right of the Virginia Assembly to pass temporary legislation; and the agent was ordered by the committee of correspondence to defend the act against the attacks of the clergy, even to the extent of employing counsel to represent the Assembly, and defend the ves-

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13 Ibid, vol. x, pp. 339; xi, pp. 10, 22, 132; ix, pp. 356-357.

14 Ibid, vol. x, pp. 339.

15 Ibid, vol. xi, pp. 132-133.

16 Hening, vol. vi, pp. 568; Hening, vol. vii, pp. 240-241. This act of 1758 was popularly known as "The Two Penny Act."

17 Virginia Magazine of History and Biography, vol. x, 347-356.





tries or collectors, working under the provisions of this act, against any proceedings that should be carried to England, in a suit that had been instituted by the Reverend John Camm, of York County, against the vestry of York-Hampton parish, to recover from them the full market value of his salary.

While Mr. Camm's suit was pending other ministers sued their vestries without much success. Of these cases the most celebrated was the "Parsons' Cause", tried in the country court of Hanover in December, 1763. It was in this case that Patrick Henry, as counsel for the defendants, first came before the public eye in a speech in which he boldly and eloquently stated the rights of the people. In this speech Henry voiced popular rights more strongly than they had been before publicly stated; and from this advanced position he never once receded, but assumed a position that in 1765 placed him at the head of the resistance to Parliamentary encroachment, and made him the recognized leader of the movement for colonial legislative rights.<sup>18</sup> Only one <sup>before</sup> had a stand anything like so advanced been taken—the position maintained by James Otis, in his argument against the writs of assistance; and Otis had receded from this position in 1765, when he pronounced as treasonable the resolutions against the Stamp Act, of which Patrick Henry was the author.<sup>19</sup>

~~and~~ When the Stamp Act Congress met Otis hesitated to sign the

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<sup>18</sup> William Wirt Henry, Patrick Henry, vol. 1, p. 100.

<sup>19</sup> Hutchinson, Thomas, History of The Province of Massachusetts Bay, vol. iii, p. 119.



address to the King and Parliament, and only did so under the inducement of Thomas Lynch of the South Carolina delegation.<sup>20</sup>

The act for appointing the agent was objected to by the Board of Trade, who threatened to have it disallowed unless certain alterations, desired by them, were made by the Assembly. The objection to the act was that the term "Assembly" was used where the Board of Trade thought "General Assembly" should be used, as will be seen from this extract of a letter from Governor Fauquier to the Lords of Trade:

"In relation to the Agent's Act, I am fully convinced that it was not the design of any part of the Legislature, to g[i]ve the Committee of Correspondence any powers for which they should not be accountable to the General Assembly, so that the alteration desired by Your Lordships<sup>21</sup> will not as I apprehend meet with the least difficulty; whether the word General was left out by mistake, or whether the common acceptation of the words, Assembly and General Assembly having the same import here, occasioned this, I know not, but Your Lordships may depend on my rectifying this in the next session." <sup>22</sup>

This promise of Governor Fauquier was carried out. The letter from which the above extract is quoted was written on the first of September, 1760, and in the following October the

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<sup>20</sup> William Gordon, History of the Rise, Progress and Establishment of the Independence of the United States of America, vol. 1, p. 121.

<sup>21</sup> Abbreviation in the manuscript for "Lordships."

<sup>22</sup> Letter from Lieutenant-Governor Fauquier to the Lords Commissioners for Trade, etc., in Bancroft Transcripts, Library of Congress, Printed in Appendix to Journals of the House of Burgesses, 1758-1761, pp. 287-289.



Assembly passed "An Act to explain and amend the Act, entitled, An Act for appointing an Agent." <sup>23</sup>

This letter throws some light on the circumstances surrounding the passage of the act creating the colonial agent, and appointing the committee of correspondence, under whose instructions we should work:

"I hope Your Lordships will indulge me in the explanation of the step leading to this Agent's Act. When my predecessor the Honble Mr. Dinwiddie had a dispute in this colony ab[ou]t the Pistole Fee, the Burgesses lamented their not having an Agent at Home, to represent affairs of this nature to His Majesty and Your Rt. Honble Board, supposing naturally enough that Mr. Abercrombie who was paid by the Govr. and Council out of the 2 sh. duty, would not solicit that or any other affair against the Govr; so they sent home an agent <sup>24</sup> on purpose at a great expense. From that time they have been very intent on an Agent's Act, which in Mr. Dinwiddie's time they could never obtain; so intent were they on this affair, that they attempted to tack it to the money Bill, in the second Session after my arrival, which I told them I would certainly refuse under such conditions. As I hoped never to make myself liable to any complaint, I could not see the ill consequence of letting them have an Agent, upon their raising money on themselves to pay him.

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<sup>23</sup> Journals of the House of Burgesses, 1758-1761, pp. 190-196; Hening, vol. vii, pp. 375-377.

<sup>24</sup> Peyton Randolph, who was afterwards a member of both committees of correspondence.



Thus the Agent's Bill was prepared and passed. Notwithstanding this appointment of an agent by Act of Assembly, Mr. Abercrombie is still continued as Agent to me and the Council to transact all business relating to the Royal Revenues, and such other affairs as are immediately under our cognizance only. He has instructions to co-operate with the other Agent in all matters for the behoof and benefit of the Colony." 25

There seems to be no reason why we should not accept this explanation of Governor Fauquier. His reasoning is logical, and whether one agrees with his analysis of the situation throughout or not, it was what he believed at the time concerning the affair; and history has shown that he was a man of tact and good sense. It is hardly too much to say of him, that had his advice been followed by the British Government in regard to colonial taxation, many of England's troubles in America might have been avoided. That he had correctly gauged the feeling of legislative independence which, even at this time, characterized the Virginians, is ~~shown~~<sup>shown</sup> by the fact that as early as 1760 he had warned Pitt that any taxation laid upon the colonies by the British Government would lead to the most serious disturbances;<sup>26</sup> and it was only about five years later that his unheeded advice

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25 Letter from Lieutenant-Governor Fauquier to the Lords Commissioners for Trade, etc., in Bancroft Transcripts, Library of Congress. Printed in Appendix to Journals of the House of Burgesses, 1758-1760, pp. 287-289.

26 William Gordon, History of the Rise, Progress and Establishment of the United States of America, vol. 1, p. 136.





was proved to have been correct by the storm of protest which greeted the news of the Stamp Act.

Without discounting the testimony of Governor Fauquier, however, he does not seem to have recognized that, in the creation of the committee of correspondence, the ~~House of Burgesses~~ <sup>Assembly</sup> had found a weapon with which to fight the future encroachment of the King and Parliament on the realm of colonial legislation. Fauquier was on good terms with the people of his colony, who in turn seem to have liked him, and notwithstanding differences of opinion that arose between him and the members of the House of Burgesses, their personal relations were pleasant and cordial. Of this there is abundant evidence in the Journals of the House of Burgesses,<sup>27</sup> as well as in the letters<sup>28</sup> of the committee of correspondence to their agent. The good feeling manifested in their relations to each other is the best explanation of his failure to see how effectively the ~~House of Burgesses~~ <sup>Assembly</sup> might use the committee of correspondence in a conflict between the legislative and executive branches of the colonial government.

While, on the other hand, the Board of Trade, having in mind past conflicts between the executive and legislative branches of the colonial Government, and realizing the use that could be made of such a committee of correspondence—if it were amenable to the House of Burgesses alone—wished to have the act so drawn that the committee of correspondence should be clearly under the control of the General Assembly. With plans for a new and

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<sup>27</sup> see Journals of House of Burgesses, 1750-1761, and 1761-65. Especially the Messages of the Governor to the Assembly and the addresses of the Assembly to the Governor during those years.

<sup>28</sup> Virginia Magazine of History, vol. xi, pp. 11, 13, 25.



more closely supervised colonial policy under way, it is not unlikely that the Administration expected trouble, and did not wish to give the Virginia House of Burgesses so powerful a weapon with which <sup>to oppose</sup> their colonial plans.

That the Agent's Act was passed in good faith by the Virginia Assembly, and that it was clearly set forth in the provisions of the act that the committee of correspondence should be under the joint control of both its houses, were facts so evident to the <sup>General</sup> Assembly that, while that body was willing to amend and explain the act, as requested by the Governor acting under instructions from the Board of Trade, the language of the explanatory clause in the new act clearly shows that the Assembly itself did not think the act <sup>of</sup> ~~an~~ 1759 in any way ambiguous. While the Virginia Legislature saw no need for explaining and amending the earlier act, so anxious were they to retain their agent and committee of correspondence, that they complied with the wishes of the Administration and thus saved the act from being disallowed.<sup>29</sup>

In their first letter to Mr. Montague, the agent, written December 12th, 1759, the committee of correspondence state the reasons for the appointment of an agent in these words:

"The Appointment of such an Officer to represent the Grievances of the People, to justify their conduct to their Sovereign, to obtain his Approbation and Assent to such Laws as their Representatives shall think necessary for their Welfare and good Government, to implore his Assistance in the time of Danger and Calamity, and to

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<sup>29</sup> Hening, vol. vii, pp. 375-377. Clause III. of this Act is the explaining and amending clause.



protect and explain their Rights & Interest in Parliament, seem to be the natural Privilege of all Colonies, so far remov'd from their King and Mother Country. Yet the People of this Colony have had the Misfortune allways to be disappointed in their Endeavours to attain this Right, tho universally claim'd, and enjoy'd by all his Majesty's other Colonies and have been oblig'd to depend for these great and important Services on an Agent appointed by the Governor and Council, who for want of the Weight which a national Establishment would have given him, the Authority which must necessarily be derived from every Power of the Legislature, the Instructions when and for what Reasons he should interpose, must have been very deficient in his Duty, when considered as regarding the whole. Besides sometimes different Interests arise amongst the different Branches of the Legislature, different Instructions then become necessary; an Agent so appointed is oblig'd to obey those by whom he is appointed, and by the plainest Consequence in Affairs of the greatest Moment, the Body of the people may be left without the Shadow of a Representative." <sup>30</sup> As shown by the extract just cited, the reasons for the appointment of the agent as given by the committee of correspondence

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<sup>30</sup> Letter from the committee of correspondence to the agent, dated December 12, 1789, Original in Virginia Archives. Copy printed in Virginia Magazine of History, vol. x, pp. 342-353.



are substantially those given by Governor Pauquier to the Lords of Trade.

In another paragraph the relation between the agent and the committee of correspondence is clearly stated as follows:

"We being by the same Act appointed a Committee to correspond with the Agent, must now desire you to take this Office upon you, and that you will take Care always to be ready to prevent the Repeal of Laws passed by the Legislature, the Reasons for which, will be from time to time transmitted to you by us; to support any Representations which it may be necessary to make, and for that Purpose will not fail to attend them thro' the several Boards to which they may be referred; To give early Intelligence of anything that may be moved in Parliament, or the Department for American Affairs to this Committee; And in all things relative to this Colony, to use your best Endeavours, according to your Discretion, to protect her Rights and secure her Interest." <sup>31</sup> From this statement of his duties, it will be readily seen that the chief function of the agent was to look out for any acts passed by the colonial Legislature which might be called into question by the Home Government. In the exercise of this function he should act under the instructions sent him, from time to time, by the committee of correspondence. Another duty nearly as important was

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31 Ibid, p. 343,





the communication to the committee of the proceedings of Parliament, or of any of the various Governmental Boards, relative to American affairs—especially to the colony of Virginia. This latter function was very much the same as that of the intercolonial committees of 1773. The difference being that in this case the correspondence was carried on between the committee and the agent, whereas in 1773, the corresponding parties were committees of correspondence of different colonies, working for mutual interests.

Up to the year 1764 the records for the committee of correspondence are fairly well preserved. A careful examination of the proceedings and correspondence shows that the committee was active in furnishing the agent with instructions regarding the legislation he should support; and that they furnished him with data upon which he should base his arguments before the various bodies in which he had to appear in defending the <sup>general</sup> Assembly's acts.

During the year 1759, there were six meetings of the committee of correspondence;<sup>32</sup> and of these meetings the minutes exist. Most of these meetings were taken up with deciding on instructions to be sent the agent, and in appointing a select committee to prepare the first letter sent him. The letter was finally written, and was sent to Montague on December 12th. The principal matters to which his attention was directed by the committee were: the defence of the vestries or collectors in any proceedings against them growing out of the provisions of the "Two Penny Act", to which allusion has already been made; the solicitation of Virginia's share in the money appropriated by Par-

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32 Virginia Magazine of History, vol. x, pp. 327-341.



liament to reimburse the colonies, in part for their great expenditures in the war against the French and Indians; to endeavor to procure the King's assent to "An Act for settling the Titles and Bounds of Lands and for preventing unlawful Hunting and Ranging," which as it had a suspending clause could not go into effect without the royal assent;<sup>32</sup> to make a defence against the complaints of the British Merchants of the action of the Virginia Assembly in issuing treasury notes, and making them legal tender for sterling debts, subject to exchange whose rate should be determined by the courts.<sup>33</sup>

The regulation of the rate of exchange, when sterling debts should be paid in treasury notes, which had been issued by the Assembly to meet the increased expenditures of the War, was a matter of great importance, underlying as it did the very foundation of the colony's economic life. By an instruction sent to the Governor,<sup>34</sup> the Assembly had found that the merchants of Great Britain were still dissatisfied with the law making these notes (issued pursuant to several acts of Assembly for the defence of the colony) a proper tender for sterling debts. The rea-

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32 Hening, vol. V. pp. 408-431. This statute was passed to put into one act all the existing laws of the colony relating to the conveyance, taking up, settling, saving and cultivating of lands; and also to include with them an act prescribing the methods of docking the entails of land of no greater value than £200 sterling, by writ, called a Writ of Ad quod Carnum.

33 Letter to Agent, Virginia Magazine of History, vol. x, pp. 345-347. This letter gives reasons for the passage of this law, that exchange being a fluctuating quantity, the act of Assembly gave the courts the power of determining the difference between the value of sterling money and the treasury notes at the time of the judgment.

34 Journals of the House of Burgesses, 1758-1761, p. 184.



sons for the passing of such legislation were given the agent, with a short review of the conditions leading up to the passage of the acts in question; so that the agent might have material upon which to base his arguments in support of the Assembly's action. From the "Defence of the Virginia Paper Currency"<sup>35</sup> enclosed in this letter to the agent, and from the statement of the situation made in the letter, it appears that the treasury notes of the colony and the laws governing their issue, were emergency measures based on large humanitarian principles; and designed for the protection of the people and the security of the creditors. In discussing Virginia's first experience with paper money, Ripley says, that it "was on the whole a creditable one."..... "But we must remember the distress of the times, and the heroic exertions of the colony during the [French and Indian] war. In view of these facts, the moderation and foresight of her statesmen is in marked contrast with the reckless financiering of some of the other colonies both north and south."<sup>36</sup>

In the year 1760, there were three meetings of the committee of correspondence, held during the months of October and November, the result of which was a second letter to the agent, which was adopted by the committee at its meeting of November 6th. <sup>37</sup>

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35 Virginia Magazine of History, vol. xi, pp. 1-5.

36 Ripley, Financial History of Virginia, pp. 153-162; also Virginia Magazine of History, vol. vi, 157-158, which contains a letter written by Richard Bland, a member of this committee of correspondence, in which he says that the British merchants, at first bitterly opposed the note issue, but at the time he was writing they were the warmest solicitors of the Assembly for that species of money. He states that of £750,000 treasury notes which were issued during the war, it was probable that only the amount of £60,000 was outstanding.

37 Virginia Magazine of History, vol. xi, pp. 10-17.



In this second letter the committee of correspondence notified Montague, that he was not to look upon Abercrombie as agent of the colony; but that he should consider himself as such to all intents and purposes, and "not suffer any other Person to interfere" with him in the execution of that office.<sup>38</sup> He was further notified that the act for appointing an agent had been amended and explained, so as to remove the objection urged against it by Sir Matthew Lamb, in his opinion handed down to the Board of Trade, and transmitted to the Assembly in the instructions to the Governor, as has been already shown.<sup>39</sup>

The agent was instructed as to how he should proceed in his further steps to collect the colony's proportion of the money granted to the American colonies by Parliament. He was informed of the passage of two acts of Assembly, "the one for recruiting & further continuing the old Regiment in the Service of this Colony, and for other purposes therein mentioned,"<sup>40</sup> the other for appointing persons to receive the money granted or to be granted by the Parliament of Great Britain to his Majesty for the use of this Colony."<sup>41</sup> By a clause in the former of these acts the Governor, President of the Council, and speaker of the house were authorized to draw bills of exchange on James Abercrombie, to the amount of 20,000 pounds, Virginia currency; and by the other act, the same officers of the colony were authorized and

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38 Ibid, p. 12.

39 Ibid, p. 13.

40 Henning, vol. vii, p. 369.

41 Ibid, p. 372.





empowered to draw bills of exchange on the said Abercrombie for the balance remaining in his hands of the £31,260.19 and £20,546 allotted by his Majesty to the colony; and Montague was authorized and empowered to receive this money from Abercrombie, after having informed himself what commissions had been allowed the agents of the other colonies for the collection of similar claims. Any further grants of money to the colony Montague was authorized to receive. In this letter it is clearly shown that the committee of correspondence looked to Montague, the agent of the Assembly, and not to Abercrombie, who represented the Governor and Council, as the agent of the people of the colony.<sup>42</sup>

In this letter there were sent to the agent an address and representation<sup>43</sup> to his Majesty, which Montague was instructed to present in the proper manner. This representation contained an explanation of the legislation enacted by the General Assembly, which had been thrown in an unfavorable light by the complaints of the clergy. The agent was referred to the arguments set forth in the representation, which the committee conceived to be "sufficient to acquit the Legislature of any sinister or disloyal intentions."<sup>44</sup> But so important did the committee of correspondence deem the matters discussed in that document that they wrote the agent concerning them as follows:

"But as the Matters contain'd in the latter part of the Representation are of the greatest importance to this Colony,

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42 Letter to the agent, in Virginia Magazine of History, vol. xi, p. 14.

43 Journals of the House of Burgesses, 1758-1761, pp.

44 Letter to the Agent, in Virginia Magazine of History, vol. xi, p. 14.



& the very being of the Constitution depending thereon, it may be necessary to add some further Observations and Reasons to those contained therein. The instructions to the Governor of this Colony were given by King Charles the second soon after the Restoration, & have had little Alteration since. By the 18th Article of those Instructions the Governor is directed to pass no Act of less Continuance than two years, & no Act repealing or amending any other Act, whether the same has or has not receiv'd his Majesty's Assent, unless a Clause be inserted suspending the Execution thereof until his Royal Pleasure shall be known. So far as relates to the passing Acts for repealing or amending any Act assented to by his Majesty, the Assembly have always paid a due Obedience to his Instructions, but the Instruction relating to the repealing or amending laws, which never have had his Majesty's Assent, or have been made for a shorter Term than two years, has never been attended to. And as a proof that this Instruction has not always been enforced even by the Ministry, the General Assembly revis'd our Laws in 1748, when many of them were both alter'd & repeal'd. The Ministry at that Time were so far from disapproving their Conduct, that they recommended it to the other Colonies to imitate their Example. By a Recourse to the Laws, you'll find that the Assemblies have exercis'd this Power ever since the Date of the Instructions so much relied on. And we are persuaded that this Instruction wou'd not at this Time have been enforced, had it not been for the Clamour of a few dissatisfied Clergy, who



preferring their own Interest to every other Consideration,  
 have not hesitated by their cunning & artful Insinuations,  
 & by their false & scandalous Representations to blacken  
 the Character of the Legislature of this Colony. Upon this  
 faction's <sup>W</sup>Complaint of the Clergy his Majesty has been  
 pleas'd to send an Additional Instruction to enforce that  
 old Instruction, which has been so long consider'd as  
 obsolete, By which the Governor, who is on every Occasion  
 desirous of promoting the Interest & Happiness of this Col-  
 ony, thinks himself restrain'd from passing any Act contra-  
 ry to the Letter thereof. And it is apparent that if he  
 shou'd adhere thereto, the Privilege of making Laws, which  
 all his Majesty's Colonies have, & ought to enjoy, will be  
 abridg'd, & in a great Measure abolish'd."<sup>45</sup> The necessity  
 of passing temporary legislation is explained by the committee,  
 and it is shown that this would be impossible if the new instruc-  
 tions were adhered to:

"For all Countries are liable to such Changes & Acci-  
 dents, as require the immediate Interposition of the Legis-  
 lature, And no less than an infallible Power can form Laws  
 so perfect that they may not afterwards stand in Need of  
 Alterations or Amendments. You can easily suggest the  
 many Inconveniences we must necessarily labour under, by  
 being oblig'd to suspend the Execution of any Act, let ye  
 emergency be ever so great, till his Majesty's Pleasure

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45 Ibid, pp. 15-16.



can be known. It is well known, that we have been in a state of War ever since the Year 1758; that we have been under Necessity to make annual Provision for our Troops, and to guard against the various & unforeseen Events which must happen at such a Time; That an Annual Provision must be made to prevent Mutiny & Desertion, neither of which can be done if we are restrain'd by Instructions from Passing such occasional Laws."<sup>46</sup>

The letter of the committee of correspondence shows further that in the year 1766, an act<sup>47</sup> was passed by the Assembly for paying the Burgesses one hundred and thirty pounds of tobacco and cash per diem, which was equivalent to ten shillings; and that notwithstanding the great advance in the value of tobacco, the Assembly had consistently passed acts fixing the wages of the Burgesses in money at ten shillings per diem. This was done to ease the people, and shows conclusively that the Burgesses had not acted on principles of self-interest, but for the general good of the people of the colony.

During the year 1761, we have the record of three meetings of the committee of correspondence. The first meeting was held on May 4th, and resulted in the drafting and adoption by the committee of a third letter to the agent.<sup>48</sup> In this letter the agent was instructed to defend the passing of an act of Assembly, entitled, "An Act for the Relief of certain Creditors;"<sup>49</sup>

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46 Ibid, p. 16.

47 Hening, vol. iii, p. 244.

48 Letter to the agent in Virginia Magazine of History, vol. xi, pp. 17-21.

49 Hening, vol. v, 244.





and to support the act, should its validity be called into question, in an appeal that had been taken up to the Privy Council from a decree in Chancery passed by the Virginia General Court. The case in which the validity of this law was involved was that of *Thornton, et als., v. Buchanan and Hamilton*, late of London, Bankrupts, and their Assignees and Factors in Virginia. As the respondents would send over a copy of the decree of the General Court, and as they would also employ counsel to prevent a reversal of the decision of that body, the agent was instructed not to act as a principal in the dispute, although he was asked to employ the best counsel he could obtain to defend the act; and he was furnished with a copy of the act, ratified in due form by the King. This ratified act of Assembly the committee declared "no power on Earth can alter the <sup>Act</sup> ~~Force~~ of" less than our Assembly with his Majesty's Assent. Montague was further instructed regarding the number of soldiers furnished for the campaign of 1760; and he was provided with evidence to prove that the colony had expended all that they had received of the former parliamentary grants, and that there would be a large deficiency when the expenses of the campaign of 1760 were paid. The agent was also asked to make application to the Lords of the Admiralty for some protection to the trade between Great Britain and Virginia, as it was being preyed upon by the privateers of the enemy. Not only had their letters to the agent been twice taken in this way, but the people were complaining of the unprotected condition of the coasts and harbors of the colony; and a trading ship from the coast of Guinea had been carried off from the entrance to the largest Virginia harbor. Against such



conditions the agent was instructed to enter a protest. <sup>50</sup>

The other meetings of this year were held on June 11th and June 15th; and at the latter meeting the fourth letter to the agent was adopted and signed by the members of the committee of correspondence, who were present—the letter having been <sup>personally</sup> drafted by a select committee consisting of Messrs. Peyton Randolph, Nicholas and Wythe, who had been appointed to this duty at the meeting held on the eleventh. <sup>51</sup>

In this letter the agent <sup>was</sup> ~~is~~ notified that his letters to the committee of correspondence, of February 18th and 19th and of March 3rd and 5th, had been received; and the committee expressed themselves as being pleased with his work as agent. The delay in transmitting to the agent the ~~Assembly's~~ expressions of grief at the death of George the Second, as well as their congratulations to his successor on his accession to the throne, was explained as being due to the fact that these matters had to await the meeting of the ~~Assembly~~. In regard to the appropriations of Parliament to the colonies for their war expenses, they wrote as follows:

"If the resolution of the lords of the treasury 'to admit no solicitations from the agents relating to the distribution of the money granted by parliament' is not unalterable; if they can be made acquainted with what we have formerly written on that head; if they knew what is notorious and confessed here, that Maryland did not furnish a single man for the service in the year 1759, and

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50 Letter to the Agent, Virginia Magazine of History, vol. xi, p. 21.

51 Virginia Magazine of History, *ibid.*, pp. 21-23.



for several years before; and if they were informed that 1,000 of the men levied, subsisted and paid by this colony last campaign, serving under an officer who received his orders from general Amherst, were intended to have joined his Majesty's forces under Col. Monckton, and would actually have done so, but they were afterwards, with the General's approbation, directed to assist the forces from South Carolina under Col. Montgomery. We say, if these considerations were sufficiently attended to, have we not reason to hope the application of the money would be more justly proportioned to the vigor and strenuous efforts of the "respective provinces?"

The only other matter of very great importance discussed in this letter was the regulation of the commission to be paid the agents for the collection of these parliamentary grants; and Montague was notified that he was to get 1 1/2 per cent. for his collections. In regard to the excessive commissions charged by Abercrombie, he was to notify that gentleman, that these should be reduced to that per centage of the money collected, or Montague should refuse to pass his account at the treasury. <sup>52</sup>

The proceedings of the committee of correspondence that have been preserved for the year 1762 are extremely meagre. These records show two meetings to have been held in the Spring of that year, one on April 30th and the other on May 4th. From the record of the former meeting it appears that a letter was ordered to be prepared by a select committee, then appointed; and the

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subjects of instruction~~s~~ for the agent were stated in an order by the committee. The minutes of the second meeting simply show what members were present. As this meeting was held a few days after that just mentioned, it is likely that the select committee for preparing the letter to the agent reported back to the full committee its draft of the letter, which on that day was signed by the members present; for we find an allusion made to a letter to the agent of the date of May 4th, in an after meeting of the committee.<sup>53</sup> No copy of this letter is found in the record of the proceedings of the committee of correspondence, though it was undoubtedly prepared and transmitted to the agent.<sup>54</sup>

The record of the meetings of the committee of correspondence is more complete for the year 1763. Three meetings were held during this year, on the following dates, March 29th, June 16th, and June 17th. At the meeting of March 29th, it was decided that a select committee should prepare a letter to the agent, and this letter was prepared accordingly. The agent was furnished with reasons in support of the law relating to the election of Burgesses,<sup>55</sup> the law for the relief of insolvent debtors,<sup>56</sup> the law for regulating the gold coin of the German Empire,<sup>57</sup> and the law regarding "Strays."<sup>58</sup> The first and fourth of these acts having suspending clauses, the agent was instructed to apply for the King's assent to them. He was also instructed to apply to Parliament for leave to import salt from

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53 Virginia Magazine of History, vol. xi, p. 132.

54 Ibid, pp. 131, 132.

55 Hening, vol. vii, p. 517.

56 Ibid, p. 549.

57 Ibid, p. 575.

58 Ibid, p. 545.





any of the countries of Europe; and the committee furnished him with extensive arguments in favor of the <sup>re</sup>grating of this permission. Moreover, he was ordered to inform the committee at his earliest opportunity of any objections that should be urged against the importation of salt; and he was urged to ask the assistance of the other agents in securing the permission of Parliament to the free importation of this necessity.<sup>59</sup>

At the meeting held on June 16th, a letter was adopted, which had been previously drawn up by some members of the committee, answering the British Merchants' Memorial and the Resolution of the Board of Trade, relative to the Virginia paper currency. It was ordered that two copies of the letter, as well as of the papers mentioned therein should be prepared and sent to the agent.<sup>60</sup> The next day another meeting of the committee was held, the same members being present, and a letter was prepared, enclosing a draft of an address prepared by the House of Burgesses in favor of the officers of the Virginia Regiment, which the agent was asked to have properly presented to his Majesty. In this letter there were two enclosures, one a paper giving reasons why the agent should try to get the permission of the King to a bill for declaring slaves personal property; the other, notifying the agent of the passage of an act for adding some members to the committee of correspondence. The second enclosure stated that the ~~Assembly~~ had agreed to allow Abercrombie's claim for <sup>£</sup>140, and would send the "proper powers for his obtaining it, upon his paying the balance due, for which they will draw on him."<sup>61</sup>

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<sup>59</sup> Letter to the agent in Virginia Magazine of History, vol. vi, pp. 133-143.

<sup>60</sup> Ibid, p. 350.

<sup>61</sup> Ibid, pp. 345-349; 350-354.



That the committee of correspondence, during the years through which we have traced its proceedings, looked upon itself as a standing committee of the General Assembly is evident from the fact that its papers and correspondence were frequently laid before that body;<sup>62</sup> and that the committee carried out the orders and instructions of the Assembly is shown by the fact that the letters to the agent contained instructions that carried out the resolutions of the Assembly.<sup>63</sup> Composed as it was of some of the leading members of both the Council and the House of Burgesses, it is only natural that the committee of correspondence should have kept in close touch with those bodies.

During the year 1764, the year in which the "Declaratory Act" was passed,~~the~~ the proceedings of the committee of correspondence show that four meetings were held. The first of these was on January 18th, and it was then decided that a letter should be written <sup>to</sup> Mr. Montague, acknowledging the receipt of his letters of April 20th, June 28th, and October 10th, 1763, which were read by the committee; and thanking him for his care and attention to the interest of the colony, especially in regard to the Parliamentary grant for the service of 1762. The committee also expressed approval of the "measures he had taken in concert with the other American Agents to obtain a division of the Parliamentary grant of 1761; and notified the agent that they would take the proper steps for receiving the proportion agreed to be refunded by the province of Pennsylvania." In regard to

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62 Journals of the House of Burgesses, 1761-1763, pp. 9, 70, 175, 176.

63 Ibid, 1761-1765, pp. 37, 159, 193.



the act for regulating the election of Burgesses, the agent was instructed, in the event of its repeal, to endeavor to have leave granted the ~~Assembly~~ to reenact such parts as were not disapproved by the Administration. In answer to the application of a gentleman who wished the colony to sell him the right to an exclusive fishery at the Virginia Capes, the agent was ordered to answer, that the ~~Committee~~ believed all such exclusive grants to be extremely prejudicial to others; and further that they were of the opinion that the ~~proprietors~~ of the adjoining lands were bounded by the sea, and could not dispose of such a right.<sup>64</sup>

The committee of correspondence met again on June 15th, and letters from Mr. Montague, bearing the dates of November 26th and December 3rd, 1763, and January 23th and 26th, and March 10th, 1764, were read:<sup>65</sup> and a committee consisting of Messrs. Wythe and Nicholas was appointed <sup>to</sup> prepare a letter to the agent. This committee reported the draft of the letter back to the committee of correspondence at its next meeting, July 28th; and it was read, agreed to, and signed by the members present, with the addition of a postscript "immediately penned at the table."<sup>66</sup> The postscript was caused by the reading of a letter <sup>from</sup> of Mr. Montague ~~received~~, received since the last meeting of the committee, notifying the committee that Parliament seemed determined to tax the colonies. The letter is mostly confined to a discussion of the "Stamp Act", and states very clearly the opposition to such a measure on the part of the committee of correspondence of the General Assembly. As Virginia took a leading part in the opposi-

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64 Virginia Magazine of History, vol. vii, pp. 4-5.

65 Ibid, pp. 5-6.

66 Ibid, pp. 6-7.



tion to the "Stamp Act", and as the famous resolutions against that measure originated in the House of Burgesses,<sup>67</sup> it is especially important that the opinion of the committee of correspondence regarding taxation be carefully examined. The statement of the committee in this letter to the agent is based on the principle that representation and taxation go hand in hand; and their protest is made with feeling of gloomy forebodings for the future:

"We have been very uneasy at an Attempt made in Parliament to lay a Duty on the several Commodities mentioned in their Votes, of which you were pleased to favour us with a Copy; the tax upon Madeira Wine will be very inconvenient to us, & we had it in our Intention to furnish you with such Reasons ag't it as we thought might have some Weight, but finding from the public Prints that an Act, imposing this Duty, has already pass'd, it is become unnecessary for us to say anything farther upon that Head. The Proposal to lay a stamp Duty upon Paper & Leather is truly alarming; should it take Place, the immediate Effects of an additional, heavy burthen imposed upon a People already laden with Debts, contracted chiefly in Defense of the Common Cause & necessarily to continue by express Stipulation for a number of years to come, will be severely felt by us & our children; but what makes the approaching Storm appear still more gloomy & dismal is, that, if it should be suffer'd to break upon our Heads, not only we

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<sup>67</sup> George Bancroft, History of the United States, vol. v, p. 270; Edmund Burke, Speech in House of Commons, April 10, 1774; Letter from John Adams to Patrick Henry, June 3rd, 1776; Jefferson's statement to William Wirt; Edmund Randolph in his History of Virginia, see Henry's Patrick Henry, vol. 1, p. 100.





& our Children, but our latest Posterity may & will prob-  
 ably be involved in its fatal consequences. It may, per-  
 haps, be thought presumptuous in us to attempt or even de-  
 sire any thing which may look like a restraint upon the con-  
 trolling Power of Parliament; We only wish that our just  
 Liberties & Privileges as free born British Subjects were  
 once properly defin<sup>d</sup>, & we think that we may venture to  
 say that the People of Virginia, however they may have been  
 misrepresented, would never entertain the most distant In-  
 clination to transgress their just Limits. That no Sub-  
 jects of the King of Great Britain can be justly made sub-  
servient to Laws without either their personal Consent, or  
 their Consent by their representatives we take to be the  
 most vital Principle of the British Constitution; it cannot  
 be denied that the Parliament has from Time to Time, whe<sup>n</sup>~~re~~  
 the Trade of the Colonies with other Parts was likely to in-  
 terfere with that of the Mother Country, made such Laws as  
 were thought sufficient to restrain such Trade to what was  
 judg'd its proper Channel, neither can it be denied that,  
 the Parliament, out of the same Plenitude of its Power, has  
 gone a little Step farther & imposed some Duties upon our Ex-  
 ports; but to fix a Tax upon such Part of our Trade & con-  
 cerns as are merely internal, appears to us to be taking a  
 long & hasty Stride & we believe may truly be said to be of  
 the first Importance." 68

From this extract from the letter to the agent it will be <sup>readily</sup>

68 Virginia Magazine of History, vol. xii, pp.9-10, Letter from  
 the committee of correspondence to Montague, July 28, 1764.



~~is it~~ seen that the committee of correspondence, while recognizing the power of Parliament to levy the taxation provided for in the "Stamp Act", distinguished clearly between the power of Parliament to levy such a tax and its right to do so. This distinction is especially apparent in the postscript before alluded to, which is as follows:

"Since writing the foregoing Part of this Letter, we have received your last of 11 Apl; Every Mention of the parliam'ts Intention to lay an Inland Duty upon us gives us fresh apprehension of the fatal Consequences that may arise to Posterity from such a precedent; but we doubt not that the Wisdom of a British parliamt will lead them to distinguish between a Power and Right to do any act. No man can say but that they have a power to declare that his Majesty may raise Money upon the people of England by Proclamation, but no man surely dare be such an Enemy to his Country as to say that they have a Right to do this. We conceive that no Man or Body of Men, however invested with power, have a Right to do anything that is contrary to Reason & Justice, or that can tend to the Destruction of the Constitution These things we write to you with great Freedom and under the greatest Concern, but your Discretion will teach you to make a prudent use of them.

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The postscript further asks why the British Administration should not levy this sort of money in a constitutional way.

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if it was found necessary to meet the war debts by special taxes on the colonies. If reasonable compensation should be laid before the Virginia Legislature, their past compliance with his Majesty's several requisitions, during the late war, left no room for doubt that they would do every thing that could be reasonably <sup>be</sup> expected of them. As the ~~General Assembly~~ would not meet until October 30th, the agent was asked to do what he was able to <sup>1</sup> ~~respond~~ <sup>^</sup> and further determination on this subject until <sup>2</sup> ~~the~~ <sup>^</sup> sentiments ~~of the assembly~~ thereupon could be furnished him by the committee of correspondence.

Unfortunately the records of the proceedings of the committee of correspondence during the "1774 Act" period are very meagre; but the records that have been preserved are of extreme importance. In them we find the committee of correspondence shown in the exercise of some new functions, which characterized the work of the later committee of correspondence of 1773. The committee of correspondence had a meeting on December 19th, towards the end of the meeting of the ~~Assembly~~, which adjourned on December 21 to meet again the following May. <sup>70</sup>

The proceedings of this meeting of the committee of correspondence state that a letter was read from Mr. Montague, dated July 21st, 1764; and that a letter was immediately prepared by the committee, and signed by those members present, informing him of the proceedings of the present session of the ~~Assembly~~ on the subject of the taxes proposed to be laid on the colonies by the British Parliament. Copies of the Address of the Assembly to the King, <sup>of</sup> and the Memorials to the two Houses of Parliament, which had been unanimously agreed to by the House of Burgesses and the Coun-  
 70 Journals of the House of Burgesses, 1761-1768, p. 309.



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oil, were ordered to be prepared and sent to the agent, who was instructed to use every possible method of having them properly presented; ~~and~~ and to support them with all the influence he had, when they were presented. The committee requested the agent to <sup>having the Memorial</sup> have some trouble in <sup>presented to the House of Commons</sup> presenting it for they wrote regarding this matter as follows:

"We are under great apprehensions that you will meet with Difficulty in getting the memorial to the Commons laid before them, as we have heard of their refusing to receive Petitions from the Colonies in former similar instances. If this should now be the case we think you should have them printed and dispersed over the Nation, or the substance of them at least published in such manner as you may think least liable to objection, that the People of England may be acquainted with the Privileges & Liberties we claim as British Subjects; as their Brethren and the dreadful Apprehensions we are under of being deprived of them is the unconstitutional method proposed." <sup>72</sup> Here we see the committee of correspondence instructing their agent to make public the grievances of the legislative body, whose representative he was. But these grievances went further than the legislative body, and seemed to the Colonies almost a denial of representation itself: and a denial of the ~~the~~ principle of representation as a basis of taxation. It is this function of publishing the colonial grievances, and of stating colonial rights, that is one of the most important features of the work of the committee of correspondence of 1773; and in the exercise of this function these

71 Journals of the House of Burgesses, 1771-1776, p. 147, 301-306, 72 Virginia Magazine of History, vol. ~~11~~, pp. 294-312.





two committees, the committee of correspondence appointed to correspond with the agent, and the intercolonial committee of 1773, show a marked similarity.

This letter closes with a statement of the confidence of the committees in their agent, and in the assurance that the many proofs he had already given of attention to the interests of the colony, made them feel sure he would do every thing in his power to protect their rights at this time; and that they were persuaded all of his efforts in this direction would be heartily seconded by the agents for the other American colonies.<sup>73</sup> Here in the face of a common grievance, which threatened like the very local self-government of every colony, the committees seem to feel that mutual interests would draw their representatives together. Here appears a desire expressed by the committees that the agents of the respective colonies should cooperate to protect the legislative rights, that were the common property of all. That they should have expected united action in a cause involving the very governmental independence of ~~each~~ each of the colonial Assemblies is proof that even at this time certain forces, both without and within the colonies, were making slowly for their union.

But it is in the proceedings of the House of Burgesses that we find evidence of the use of the committee, <sup>appointed</sup> to correspond with the agent, for the purpose of intercolonial correspondence.<sup>74</sup> In its meeting of June 13th, 1764, the Massachusetts General Court, upon the motion of Samuel Adams, had appointed a committee to act in the recess of the court and cooperate with the other

<sup>73</sup> *Ibid.*, p. 341.

<sup>74</sup> Journals of the House of Burgesses, 1761-1765, p. 257.



governments to obtain a repeal of the Sugar Act and to prevent a stamp act.<sup>75</sup> Here was a ~~committee~~ committee created for a specific purpose, and it is in answering the letter of this committee that we see the Virginia House of Burgesses, in November of that year, utilizing its committee of correspondence ~~was~~ for intercolonial correspondence. The letter from the Massachusetts committee was received by the ~~House~~ of the House of Burgesses in July, and was read by him before that body on November 1st, a few days after the opening of the session. On November 13th, along with the letters to and from the Agent, it was referred to the committee of the whole house, sitting on the state of the colony; and on the next day the committee reported that, after considering the state of the colony, they had come to several resolutions. The first three of these resolutions provided for an address to the King, a memorial to the House of Lords, and a memorial to the House of Commons, protesting against internal taxation save by their representatives. The fourth resolution was as follows:

"That the Committee appointed to correspond with the Agent of this Colony in Great Britain pursuant to an Act of Assembly For appointing an agent, be directed to answer the Letter of the 25th of June last from the Committee of the House of Representatives of the Province of Massachusetts Bay to the Honourable the Speaker of the House of Representatives for the Province of Virginia, and to assure that Committee that the Assembly of Virginia are highly sensible of the very great Importance it is, as well to the Colony of Virginia, as to America in general, that the Subjects of Great Britain in this Part of its Dominions

75 William V. Wells, *Life and Public Services of Samuel Adams*, vol. I, 79-80.



should continue in Possession of their ancient and most valuable Right of being taxed only by Consent of their Representatives, and that the Assembly here will admit no Measures in their Power to prevent such essential Injury from being done to the Rights and Liberties of the People." <sup>76</sup>

It was for <sup>a similar</sup> ~~this~~ purpose of intercolonial correspondence that the committee of correspondence of the year 1773 was formed; and it is only reasonable to suppose that the four members of the committee of <sup>a</sup> correspondence, who had also been members of the earlier committee, were influenced by what they had experienced as members of the very similar committee of correspondence appointed for corresponding with the agent. One thing is clear that they had seen the earlier committee perform the duty of intercolonial communication regarding the "Stamp Act", and as far as the rules under which the committee of 1773 was to work, we shall see that they were <sup>very</sup> <sup>a</sup> similar to those governing the earlier committee.

It is very much to be regretted that the valuable series of papers containing the proceedings of the Virginia Committee of Correspondence is incomplete. For the period between July 28th, 1764, and November 9th, 1769, only two papers seem to have been preserved. These are the proceedings of the committee for <sup>a</sup> meeting held December 10th, 1764, which we have already examined; and 19th, of September 14th, and of ~~meetings~~ of September 14th, <sup>a</sup> 1768. At this meeting a select committee, consisting of Peyton Randolph, George Wythe, and Robert Carter Nicholas were appointed to prepare a letter to the agent, informing him of the receipt of his letters of November

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<sup>76</sup> Journals of the House of Burgesses, 1761-1769, pp. 233, 254, 256, and 257.



19th, 1764, February 7th and 16th, April 4th, and May 1st, 1766; and notifying him of a spurious copy of the resolutions of the last session of the Assembly, which were being dispersed and printed in the newspapers. That the agent might see the real resolutions of the House of Burgesses, passed on hearing of the "Stamp Act, it was decided to send him a copy of the resolutions voted on that occasion, properly authenticated; so that he might prevent any ill impressions from the circulation of the spurious copies.<sup>77</sup>

What was spoken of by the committee of correspondence as a spurious copy of the resolutions, was most likely a copy of the original draft by their author and mover, Patrick Henry. Originally there were seven resolves, including the preamble, and it seems to have been Henry's intention to have all seven of them passed by the House of Burgesses; however when this was found impossible of accomplishment, the <sup>entire</sup> resolves were printed <sup>separately</sup> for the effect they might have in the other colonies. They appeared in the "Newport Mercury" of June 24th, and were copied in the Boston ~~2~~ papers of July 1st.<sup>78</sup>

There is a transcript of the five resolutions that were adopted by the House of Burgesses, after having been introduced by Mr. Henry on May 29th. This transcript is endorsed on the back of the paper by Mr. Henry, and gives his story of the passage of the resolutions:

"The within resolutions passed the House of Burgesses

<sup>77</sup> Virginia Magazine of History, vol. ix, pp. 355-360.

<sup>78</sup> Journals of the Virginia House of Burgesses, Introduction, lxxv.

<sup>79</sup> Preserved at "Red Bank" Henry's old estate in Charlotte county.





in May, 1768. They formed the first opposition to the Stamp Act and the scheme for taxing America by the British Parliament. All the colonies, either through fear, or want of opportunity to form an opposition, or from influence of some kind or other, had remained silent. I had been for the first time elected a Burgess a few days before, was young, inexperienced, unacquainted with the forms of the House, and the members that composed it. Finding the men of weight averse to opposition, and the commencement of the tax at hand and that no person was likely to step forth, I determined to venture, and alone, unaided, and unassisted, on a blank leaf of an old law-book wrote the within. Upon offering them to the House violent debates ensued. Many threats were uttered, and much abuse cast ~~upon~~ on me by the party for submission. After a long and warm contest the resolutions passed by a very small majority, perhaps of one or two only. The alarm spread throughout America with astonishing quickness, and the Ministerial party were overwhelmed. The great point of resistance to British taxation was universally established in the colonies. This brought on the war which finally separated the two countries and gave independence to ours."

Thomas Jefferson, then a student at William and Mary College, heard the debate, and gave the following interesting account of the passage of the resolutions and the subsequent expunging of the fifth resolution from the record:

"Mr Henry moved and Mr Johnston seconded these resolutions successively. They were opposed by Messrs. Randolph,



Penetration, Elard, Wythe, and all the old members, whose influence in the House-hall, till then, been unbroken. They did it not from any question of our rights, but on the ground that the same sentiments had been, at those preceding session, expressed in a more conciliatory form, to which the answers were not yet received. But torrents of sublime eloquence from Henry, backed by the solid reasoning of Johnston, prevailed. The last, however, and strongest resolution was carried but by a single vote. The debate on it was most bloody. I was then but a student, and stood at the door of communication between the House and the lobby (for as yet there was no gallery) during the whole debate and vote; and I well remember that, after the members on the division were told and declared from the chair, Peyton Randolph (the Attorney-General) came out at the door where I was standing, and said, as he entered the lobby: 'By God, I would have given 500 guineas for a single vote'; for one would have divided the House, and Robinson, was in the chair, who he knew would have negatived the resolution. Mr Henry left town that evening, and the next morning, before the meeting of the House, Colonel Peter Randolph, then of the Council, came to the Hall of Burgesses, and sat at the clerk's table till the House-bell rang, thumbing over the volumes of ~~the~~ journals, to find a precedent for expunging a vote of the House, which he said, had ~~been~~ taken notice while he was a member or clerk of the House, I do not recollect which. I stood by him at the end of the table a considerable part of the time, looking on, as he turned over the leaves, but I do



not recollect whether he found the measure. In the meantime, some of the kind's members, who had voted for the strongest resolution, had become alarmed; and as soon as the House met, a motion was made and carried to expunge it from the journal. There being at that day but one printer, and he entirely under the control of the Governor, I do not know that the resolution ever appeared in print.<sup>80</sup> I write this from memory, but the impression made on me at the time was such as to fix the facts indelibly in my mind. I suppose the original journal was among those destroyed by the British, or its obliterated face might be appealed to. And here I will state, that Burk's statement of Mr. Henry's consenting to withdraw two resolutions, by way of compromise with his opponents, is entirely erroneous."<sup>81</sup>

The statements of Patrick Henry and Thomas Jefferson, regarding the passing of the resolutions, <sup>are</sup> substantiated in <sup>their</sup> <sup>House of</sup> essential details by Judge Paul Carrington, a member of the Burgesses from Charlotte county; and by Governor Fauquier. In his letter of June 5th, 1765, written to the Board of Trade,<sup>82</sup> Fauquier states that five resolutions were passed, on May, 30th, when only thirty-nine of the ~~one~~ one hundred and sixteen members composing the House of Burgesses were present. He says that the "greatest majority" for any of the five resolutions was 22 to 17, and that the vote on the fifth resolution was only 20 for, to 19 against. "On Friday, the 31st there having happened a small alteration in

<sup>80</sup> Mr. Jefferson's memory seems to have mislead him here, as they were printed in the Williamsburg Gazette the four resolutions appearing on the journal and two additional ones. See Henry's Patrick Henry, i, 22.

<sup>81</sup> Statement of Jefferson, quoted from Wirt's Patrick Henry, pp. 76-79.

<sup>82</sup> In Bevercraft Transcripts, Library of Congress.



the House," states the governor, "there was an attempt to strike all the Resolutions off the Journals. The ~~diff~~ 5th which was thought the most offensive was accordingly struck off, but it did not succeed as to the other four. I am informed the gentlemen had two more resolutions in their pocket, but finding the difficulty they had in carrying the 5th which was only by a single voice, and knowing them to be more virulent and inflammatory; they did not produce them. The most strenuous opposers of this rash feat were the Speaker, the King's Attorney, and Mr. Watkins; but they were overpowered by the young hot and giddy members. In the course of the debates I have heard that very indecent language was used by a Mr. Henry a young lawyer who had not been a month a Member of the House; who carryed all the young Members with him; so that I hope I am authorized in saying there is cause at least to doubt whether this would have been the sense of the Colony if more of their Representatives had done their duty by attending to the end of the Session."

What had happened was that a new leader had appeared in the House of Burgesses, one gifted with a power of oratory so magical, as to cause Jefferson to say <sup>of his talents</sup> that "they were great indeed; such as I have never heard from any other man. He appeared to me to speak as Homer wrote."<sup>83</sup> But he was no less gifted in the fearlessness and capacity so necessary to real progressive leadership; and by his stand on the stamp act question, he assumed leadership in his colony, while his spirited resolutions called the faltering leaders in other provinces to battle boldly for colonial rights.<sup>84</sup>

<sup>83</sup> Thomas Jefferson, Autobiography.

<sup>84</sup> Henry's Patrick Henry, I, ~~198-199~~ 98-100.





Throughout the colonies there seems to have been quiet and submissive acquiescence in the stamp act legislation, until Henry's resolutions fired the people of <sup>all</sup> the colonies into open resistance of the stamp duties. Otis had entirely receded from the position he had taken on the writs of assistance; and was advising submission to the Stamp Act in these words: "It is the duty of all humbly, and silently, to acquiesce in all decisions of the supreme legislature. Nine hundred and ninety-nine in a thousand of the colonists will never once entertain a thought but of submission to our Sovereign, and to the authority of Parliament in all possible contingencies. They undoubtedly have the right ~~to~~ to levy internal taxes on the colonies." And notwithstanding this position, which was shared by Oliver, the town of Boston re-elected Otis to the Assembly and Oliver to the Council in the ~~following~~ following May. Furthermore, the Assembly of Massachusetts, November 3rd, 1764, had stated that they yielded "obedience to the Act granting duties!" <sup>118</sup> In most of the other colonies the state of affairs was very similar to conditions in Massachusetts. As regards sentiment <sup>among the leaders</sup> ~~the~~ the Stamp Act. <sup>yet</sup> Even the conservative element in the Virginia Assembly had not questioned the colony's right of laying its own internal taxes; although they opposed Henry's resolutions as being too bold a statement of <sup>these</sup> ~~the~~ rights. We have seen that Robinson, Peyton Randolph, and Write, the leaders of the opposition <sup>to Henry's resolutions</sup> ~~to~~ <sup>the 1. named the resolute center of the "pro-resistance party,"</sup> had strongly opposed the Stamp duties in the latter, which they, as members of the committee of

81 Bancroft, vol. v, pp. 371- , 180

82 Bancroft, vol. v, pp. 371, 223, 192, 371, 194; Henry's Patriot Henry, vol. i, p. 66; Gordon's History of the American Revolution, vol. i, pp. 117, 119, 120; Gordon's History of Pennsylvania, p. 433; Documents relating to the Colonial History of New York, vii, 710, ~~reports~~



correspondence, had sent to the agent. So that their their opposition to the resolutions were rather opposition to the methods and language used by Henry, than to the principles for which he fought.

The next paper in the ~~series~~<sup>series</sup> of the committee of correspondence ~~that~~<sup>which</sup> have been preserved, is a letter from Montague to the committee, dated November 9th, 1769, which is followed by four letters, dated January, 10th, 15th, and 18th, and February 6th, 1770, all of which show that the agent was keeping in close touch with the colonial situation; and that he was communicating to the committee intelligence of the proceedings of the Parliament and Administration.<sup>V</sup> On his letter of February 6th, he notified the committee of the action of the merchants of Bristol and London in petitioning for a repeal of the act that imposed duties on paper, glass, painted colours, and tea. The remaining letters from Montague are dated February 8th, March 3rd, and March 6th, 1770, and contain ~~information regarding the~~ further information regarding the action in Parliament ~~on~~<sup>concerning</sup> the duties on tea.<sup>88</sup>

There seems to be only one other letter from the committee of correspondence to the agent,<sup>A</sup> concerning a congress of the Cherokee Indians, the proceedings of which Governor Botetourt had ~~sent~~<sup>sent</sup> 1761 before the House of Burgesses; and giving the agent the reasons for a Memorial that the Burgesses had presented to the governor, which had been objected to by John Stuart, the superintendent of Indian Affairs.<sup>89</sup>

<sup>88</sup> Virginia Magazine of History, vol. xii, pp. 117-118.

<sup>89</sup> Ibid., pp. 166-169.

<sup>90</sup> Ibid., pp. 317-321.



The act for appointing an agent and a committee of correspondence, which was passed in 1769, to continue for a term of seven years, was continued and reenacted for a term of five years from its expiration in April, 1780, <sup>by an act</sup> which provided for its continuance till April, 1771. In 1771, in the Spring session of the Assembly, the bill for appointing an agent, after having been twice read in the House of Burgesses, was ~~was~~ committed to the committee of the whole house; so being reported back to the house without any amendment it was voted in the negative.<sup>90</sup> No reasons appear for this action either in the journals of the House of Burgesses, or in any other source which has been examined in <sup>the</sup> preparation of this study; and any reason that may ~~be~~ such to explain the refusal of the House of Burgesses to pass this measure, must of necessity be in the nature of conjecture. However, it is well known that the leadership of the House of Burgesses had passed into the hands of younger and more radical men, who in 1773, at the next session of the Assembly, would create a committee of correspondence, entirely under ~~their own~~ control of <sup>the</sup> ~~the~~ <sup>lower</sup> House.

During the years between 1765 and 1772, many changes had taken place in the colony. Fauquier had been succeeded by Botsford, who had in turn been replaced by Dunmore. Much of the unpleasantness of the bitter controversies between the Virginia Assemblies and the British Administration, had been softened and mollified by the personal popularity and tactfulness of his <sup>two nearest</sup> predecessors; but Dunmore, from the early days of his administration,

<sup>90</sup> Journals of the House of Burgesses, 1770-1772, pp. 209-219.



seems to have constantly irritated the Assembly in almost every possible way." Indeed, it is hardly stating the case too strongly, to say that he was about as tactless in ~~the~~ stirring up strife and friction between that body and himself, as Faugier and Botetourt had been careful in avoiding difficulties, and handling the problems of strained relationship between themselves and the same body. At a time when the representatives of the House of Burgesses should have been met with conciliatory proposals, England had sent ~~them~~ <sup>n</sup>ther a governor, who was arbitrary, stubborn, and tactless.

But the change of governors was not the only difference in the Virginia situation; for great changes had taken place in the colony itself, and these changes had been reflected in the members of the House of Burgesses. Younger and more progressive leaders had wrested the leadership from the hands of the older and more conservative members, who had for many years controlled the affairs and shaped the policies of the legislature: and even the conservatives in many instances had become far less conservative, under the realization that England had determined to carry through her policy of colonial taxation, at any cost. The bitter fight over the Stamp Act resolutions, resulting in the victory of Henry and the younger "up country" element, had been a heavy blow to the older and more conservative element in the House of Burgesses, whose strength was drawn from the " Tidewater aristocracy", the wealthy ~~large~~ landed-propert<sup>large</sup> and slave-holding class in the colony. Jefferson, who in 1769 had become a member of the House of Burgesses, said of the fight for the resolutions against the Stamp Act: "By these resolutions, and





his manner of supervising them. Mr. Henry took the lead out of the hands of those who had heretofore guided the proceedings of the House; that is to say, of Pendleton, Wythe, Bland, and Randolph.<sup>91</sup>

But this was not the only defeat suffered by the old leaders in the later years of the sixties. In May 1765, a loan scheme, supported by the political adherents of the speaker, John Robinson, who was also treasurer of the colony, and thought by some to have been designed to cover up unauthorized loans, made by Robinson from the public funds, was passed by the House over the opposition of Henry, who opposed the measure on general principles, although it does not seem to have been publicly known that there was a shortage in Robinson's accounts. This scheme was disallowed by the Council at a conference with the committee sent up from the House.<sup>92</sup> This was followed, on Friday, November, 7th, ~~1765~~ 1766, by the appointment in the House of Burgesses, of a committee to examine into the state of the treasury. Before this committee had reported on the state of the treasury, a resolution was introduced in the House of Burgesses, asking that the offices of speaker and treasurer should be separated; and this resolution was carried by a vote of 66 to 29.<sup>94</sup> Robinson had died, May 10th, 1766, and the report of the irregularities in his accounts made by the committee on December 12th, 1766, was substantiated by the Memorial of the Administrators of his estate, laid before the house on the same day.<sup>95</sup>

<sup>91</sup> Henry's Patriot Henry, vol. I, pp. 92-97.

<sup>92</sup> Journals of the House of Burgesses, 1761-1765, pp. 350.

<sup>93</sup> Ibid. p. 36.

<sup>94</sup> Journals of the House of Burgesses, 1766-1769, pp. 14, 24

<sup>95</sup> Ibid, pp. 65, 66, 67.



P. When the bill for dividing the offices of speaker and treasurer came on before the ~~House~~, it was the occasion of a <sup>war</sup> fight between the friends of the speaker, led by Edmund Pennington, who strongly opposed the measure, and the forces favoring the bill who were led by Patrick Henry and Richard Henry Lee. The bill passed, and the <sup>war</sup> of the fight for its passage ~~the~~ result was to bind Lee and Henry together in the closest friendship; but the animosities engendered by the contest, "lasted for years, and were shown in the conduct of the defeated party toward both Lee and Henry on more than one occasion." A salary was provided for the office of speaker, as a result of the passage of this bill, and this rendered the new speaker more the servant of the House. <sup>The treatment received by Henry about a decade</sup> ~~at the hands of the Committee of Safety seems to have been~~ <sup>the aftermath of these legislative battles with Pennington.</sup> A short period of quiet followed the recall of the Stamp Act. During the year 1767 there was one meeting of the ~~Assembly~~, and in this session there appears little of a revolutionary nature. On March 12th, Mr. Bland laid before the House of Burgesses a letter and some papers, received from the agent since the adjournment of the last session of the ~~Assembly~~. These papers were referred to the committee to examine into the state of the colony. On April 7th, the ~~House~~ resolved itself into a committee of the whole ~~House~~ to take into consideration the state of the colony, and it was resolved that an address be prepared <sup>for presentation</sup> to the King, asking his assent to a scheme for issuing a sufficient supply of paper money to meet the colony's need of an increased supply of <sup>a</sup> circulating medium. A committee was appointed to draw up this address, and to prepare a scheme of emitting paper money. This address and scheme were reported back to the ~~House~~ on April 11th. <sup>and were by that body</sup> ~~and passed the House,~~



it was ordered that the address be transcribed and transmitted by the committee of correspondence to the agent to be laid before the King; and that a copy of the volume should be sent by the committee to the agent, and that he <sup>should</sup> be instructed to make inquiry whether a sum of money could be borrowed on the same. <sup>97</sup>

In the session of the Assembly for 1768, we find that ~~at~~ at the first day's meeting, it was ordered that the committee of correspondence should lay before the House the letters from the agent and their proceedings since the last session of the Assembly. This order was complied with at the next day's sitting. During this session a letter <sup>was</sup> ~~which~~ laid before the House that had been received from the Speaker of the Massachusetts House of Representatives. This letter was written February 11th, and copies had been sent to the speakers of each colonial house of representatives, asking them to concur with the Massachusetts Representatives in ~~the~~ <sup>98</sup> their application for redress. Petitions had also been received from the Freeholders of the counties of Westmoreland, Chesterfield, Henrico, Dinwiddie, Amelia, and Prince William, asking that the House of Burgesses <sup>should</sup> take the grievances of the colonies under consideration; and praying for a petition to the King, asking for a repeal of the oppressive Acts of Parliament. All of these matters were referred to the committee of the whole House <sup>with</sup> the result ~~of~~ <sup>99</sup> the consideration of these matters in the committee of the whole House, ~~was~~ that a petition to the King, and a memorial and remonstrance to each of the Houses of Parliament, ~~was~~ <sup>was</sup> adopted by the House of Burgesses, and concurred in by the Council; and

<sup>97</sup> Journals of the House of Burgesses, 1766-1769, pp. 93, 125, 126, 127, 128, 129.  
<sup>98</sup> Ibid., pp. 143, 144; <sup>99</sup> Ibid., pp. 143, 145; <sup>100</sup> Ibid., pp. 146, 146, 148. The text of the Prince William Representation, which is



it was ordered, "That the Committee of Correspondence do transmit fair Copies of the said Petition, Memorial and Remonstrance to Edward Montague. Esq<sup>r</sup>, Agent for this Colony in Great Britain and desire him to act in Conjunction with James Anderson, Esq<sup>r</sup> Agent for the Council in soliciting the said Petition, Memorial and Remonstrance, and pursue the most effectual Measures for obtaining the Ends thereof." It was also resolved that the Speaker should deliver copies of the same to President Blair of the Council, who since the death of Fauquier had been ex officio governor, and desire him to transmit the same to the principal Secretary of State, appointed to manage the Affairs of North America.<sup>101</sup>

In regard to the letter from the Massachusetts House of

fairly typical of the other petitions, is given in substance in a condensed form by the clerk of the House in the Journals, and is as follows: "A Representation of the Freeholders of Prince William County, whose names are thereunto subscribed, was presented to the House and read setting forth, that it is with the greatest Concern they find the same unconstitutional Measures now pursued by the British Parliament, as gave rise to the late abhorred and detestable Stamp Act, which would have brought the North Americans with Slavery, had they submitted to the Execution thereof: On considering it is the undoubted Right of every Subject of Britain to be taxed only by Consent of Representatives chosen by themselves, which hath been ~~justified~~ justified and confirmed to them during the Reigns of nine consecutive Princes; yet contrary to Magna Charta, and the Charters granted to the several Colonies in America, the Parliament hath again assumed to themselves the Right of laying Taxes and Impositions on the People of America by the several Acts for imposing certain Duties on British Commodities, for the purpose of raising a Revenue here and the Billating Act; and the Act for depriving the New York Assembly of a Legislative Power, until they had complied with the Impositions of the Billating Act; so that they have not only taken from the said Subscribers their Money without their Consents, but deprive them of their Liberty and Constitutional Rights as Freemen, which Freedom and Privilege they have hitherto equally enjoyed with their Fellow-Subjects in Britain: And therefore intreating the House to assert their Rights with decent Freedom; and to supplicate their most Gracious Sovereign to have their Grievances redressed by the Repeal of the said several late oppressive Acts."

<sup>101</sup> Journals of the House of Burgesses, 1766-1769, pp. 157, 161, 162, 165-171, 173, and 174.





Representatives it was resolved unanimously, "That Mr. Speaker be directed to write to the Speaker of the honorable House of Representatives of the Province of the Massachusetts Bay to desire he would inform that House that his Letter of February 11th, 1768 written by their Direction and in their Name had been considered by this House that we could not but applaud them for their Attention to American Liberty and that the Steps we had taken thereon would convince them of our Opinion of the fatal Tendency of the Acts of Parliament complained of and of our fixed Resolution to concur with the other Colonies in their Application for Redress." The speaker was also directed to write to "the respective Speakers of the Assemblies and Representatives on this Continent to make known to them our [the Burgesses'] Proceedings on this Subject and to intimate how necessary we think it that the Colonies should unite in a firm and constant Opposition to every Measure which may affect the Rights and Liberties of the British Colonies in America." 105

Here was a case where the letter was written directly to the speaker of the House of Burgesses; and as the assembly was in session and considered the matter therein treated, there was no reason for its answer to be referred to the committee of correspondence. It was in the recess between the meetings of the assembly (that its committee of correspondence was most needed) and we have seen that its proceedings were regularly laid before the assembly at each session. When the time between the sessions of the assembly was long the work of the committee was of necessity its members such that ~~they~~<sup>they</sup> had to act more on their own initiative and responsibility. When the sessions of the assembly were close to-



whether the committee was guided largely by instructions given <sup>by</sup> ~~the assembly~~ *not to do*.

The first session of the Assembly for the year 1769, opened with the promise of being a peaceful meeting. Both Governor Botetourt's address at the opening of the session and the reply from the House of Burgesses seemed to indicate a harmonious period of legislative work; but this state of affairs did not continue very long, and ten days after its meeting the governor prorogued the Assembly. On the first day of the session the speaker notified the House "that according to the Direction of the House last Session of the General Assembly, he had written to the respective Speakers of the Assemblies and Representatives on this Continent, upon the subject of copying Acts of the British Parliament, and had received several Letters in Answer thereto;" and it was ordered that these letters should be laid on the clerk's table, where they could be read to the members of the House. It was further ordered that the letters "which had passed between the Committee of Correspondence, and the Agent for this Colony, for the last 108 Five Years, and the Papers they refer to, be laid before the House."

These letters were considered by the committee of the whole House, who reported to the House of Burgesses the following resolutions, which were adopted by them, nemine contradicente:

"Resolved, That it is the Opinion of this Committee, that the sole Right of imposing Taxes on the Inhabitants of this his Majesty's Colony and Dominion of Virginia, is now, and ever hath been, legally and constitutionally vested in the House of Burgesses, lawfully convened according to the ancient and established Practice, with the Consent of the Council, and of his Majesty, the King of Great-Britain, or his Governor, for the Time being.



"Resolved, That it is the Opinion of this Committee, that it is the undoubted Privilege of the Inhabitants of this Colony, to petition their Sovereign for Redress of Grievances; and that it is lawful and essential to procure the Concurrence of his Majesty's most Excellent and dutiful Addresses, praying the royal Interposition in Favour of the ~~Colonists~~ Colonists."

"Resolved, That it is the Opinion of this Committee, that all Trials for Treason, Misprison of Treason, or for any Felony or Crime whatsoever, committed ~~therein~~ and done in this his Majesty's said Colony and Dominion, by any Person or Persons residing therein, ought of Right to be had, and conducted in and before his Majesty's Courts, held within the said Colony, according to the fixed and known Course of Proceeding; and that the seizing any Person or Persons, residing in this Colony, suspected of any Crime whatsoever, committed therein, and sending such Person, or Persons, to Places beyond the Sea, to be tried, is highly derogatory to the Rights of British Subjects; as thereby the inestimable Privilege of being tried by a Jury from the Vicinage, as well as the Liberty of summoning and producing Witnesses on such Trial will be taken away from the Party accused.

"Resolved, That it is the Opinion of this Committee, that an humble, dutiful, and loyal Address, be presented to his Majesty, to assure him of our inviolable Attachment to his sacred Person and Government; and to beseech his royal Interposition, as the Father of all his People, however remote from the Seat of his Empire, to quiet the Minds of his Subjects of this Colony, and to avert from them, those Dangers and Miseries which will ensue, from the seizing and carrying beyond Sea, any Persons residing in America, suspected of any Crime whatsoever, to be tried in any other Manner, than by the ancient and long established Course of Proceeding."

It was ordered that the speaker should, without delay, transmit to the speaker of each of the several Houses of assembly a copy of these resolutions; and that he should request their concurrence in the same. A committee was also appointed to draw up the address to the King agreed on in the fourth resolution. <sup>104</sup>

On the next day, May 17th, it was ordered by the House of Burgesses, that the resolutions of the Lords Spiritual and Tempor-



al, in Parliament assembled, and also the Address of the Lords Spiritual and Temporal and Commons, in Parliament assembled, to his Majesty, transmitted to the committee of correspondence by the Agent, in his letters of December 16th, 1768 and February, 18th, 1769. <sup>He</sup> ~~was~~ printed in the Virginia Gazette; and it was further ordered that the four resolutions of the committee of the whole house, which had been adopted by the House of Burgesses on the report of this committee, should be published in the same paper. It was also voted that the Address to the King, which had been reported by the committee appointed to prepare it, and adopted without dissenting vote by the ~~House~~, should be sent to the Agent for the colony, "with Directions to cause the same to be presented to his Most Excellent Majesty; and afterwards to be printed and published in the English Papers." On this same day, the governor, having heard of the resolutions of the Burgesses, <sup>at once</sup> ~~immediately~~ dissolved the <sup>108</sup> Assembly.

Immediately after <sup>the</sup> ~~the~~ dissolution of the Assembly by the ~~Assembly~~ the members of the House of Burgesses, "judging it necessary" that some action should be taken to relieve their "distressed Situation, and for preserving the true and essential Interests of the Colony," resolved upon a meeting; and repaired at once to the house of Anthony Hay. Peyton Randolph was appointed moderator, by a unanimous vote of the members present; and it was decided that "a regular Association should be formed." A committee was appointed "to prepare the necessary and most proper Regulations for that





Europe," after which the meeting adjourned until the following day, at which time the committee should report to a general meeting. At this meeting, which was held according to adjournment, the committee reported on Association, by the terms of which, the subscribers to the agreement promised to abstain from the use of those articles of trade, imported from Europe, specified therein, upon which the British Parliament had laid a tax. This agreement was adopted unanimously ~~and~~; and was signed by the eighty-eight Burgesses present, the clerk to the Association, and by nineteen other citizens, who had been invited to sign in accordance with the invitation in the preamble.<sup>106</sup> This action of the Virginia Assembly was followed by several of the other colonies, whose Assemblies approved the Virginia resolutions, of May 1689, and in some cases adopted them verbatim.<sup>107</sup>

The session of the Assembly for November and December, 1769, was a peaceful one. In his opening day address, the governor notified the Assembly that he had received assurances from the Earl of Hillsborough, "that his Majesty's present Administration have at no Time entertained a Design to propose to Parliament to lay any further Taxes upon America for the Purpose of raising a Revenue, and that it is their intention to propose in the next Session of Parliament, to take off the Duties upon Glass, Paper, and Colours, upon Consideration of such Duties having been laid contrary to the true Principles of Commerce."<sup>108</sup> This assurance that the objectionable duties would be removed; together with the fact that such legislation was needed to replace that which had expired, and had been

<sup>106</sup> Minutes of the Association of 1769, original copy in Virginia State Library. Reprinted in Introduction to Journal of the House of Burgesses, 1766-1769, pp. xxxix-xliii.

<sup>107</sup> Henry's Patriot Library, vol. 3, p. 143.

<sup>108</sup> Journals of the House of Burgesses, 1766-1769, pp. 226, 227.



neglected during the period of excitement following the Stamp Act, tended to make the session a busy and quiet one.

On Friday, November 17th, the speaker acquainted the House of Burgesses, that, pursuant to <sup>its</sup> ~~the~~ order ~~of the House~~ of the 16th of May last, he had transmitted to the speakers of the several *Assemblies* of the American Colonies, copies of the resolutions then agreed to by the ~~House~~, requesting their concurrence therein; and had received letters on that subject from the speakers of several of the said *Assemblies*. He also notified the ~~House~~, that, pursuant to an order of the 17th of May last, he had transmitted to the Agent the address to the King, with directions that he present it to his Majesty, and afterwards to have it printed and published in the English papers; and had received a letter from the agent regarding this matter. These letters were laid on the table, <sup>together</sup> with the letters that had passed between the committee of correspondence and the agent, since the seventeenth day of the last May, so that they might be read by the members.

109

In the session of the *Assembly* for 1770, there was little of a revolutionary tendency. Governor Pownall seems to have been on good terms with the members of the House of Burgesses, and to have won their friendship and respect. On June 30th, 1770, he wrote <sup>to</sup> the Secretary of State as follows, regarding the session of the *Assembly* which had just closed:

"Upon Thursday the 26th of June I prorogued the *Assembly* of this Dominion to Thursday the 25th of October next after having passed 46 Bills and rejected one on account of ~~money's being to be raised by that Act without my warrant~~, ~~was~~ convinced that the omission happened by mistake, but for fear of the precedent I refused passing the Bill and told my reasons-



The House of Burgesses have directed that their Agent lay before His Majesty an humble petition, in which they pray for a total repeal of the Act which granted certain Duties for the purpose of raising a Revenue, and beg to be relieved from Hardships to which they are exposed themselves Improperly liable from His Majesty's Courts of Vice-Admiralty— Many of them have likewise signed the inclosed association: If I am rightly informed we are chiefly indebted for both those measures to the Patriots of England, the Merchants and Factors resident in this Country having been pressed by letters from home to promote vigour to their Mother Country by all possible means." 110

In this letter he inclosed to the Home Government a copy of the association, entered into by the gentlemen of the House of Burgesses and the body of merchants, assembled in Williamsburg, June 22nd, 1770. This Association was signed by 180 persons; and numerous copies were circulated throughout the colony, receiving the signatures of many subscribers. One feature of the Association that was afterward used with great success by the local county committees of 1774 and 1775, was the creation of committees ~~in~~ in each county whose duty it should be to look out for violations of the association and publication of the names of <sup>all</sup> offending parties, with an account of their conduct. However the plan outlined by the associators does not seem, at this time, to have worked <sup>in a</sup> satisfactory manner; though it was later used with marked success. William Nelson, who upon Botetourt's death, became acting governor, credits its failure to the defection of the Northern provinces.

During this session, the usual inspection of the proceedings and letters of the committee of correspondence is shown by the fact that on May 23rd, these papers were laid before the House. On June 27th, the petition to the King, which had been unanimously

110 Letter from Botetourt to the Secretary of State, in Bancroft Transcripts, Library of Congress.

111 Copy of the Association, in Manuscript Division, Library of Congress.

112 Letter from Acting-Governor Nelson to Lord Hillsborough, Dec. 19, 1770, in Bancroft Transcripts, Library of Congress.



the repeal voted by the House of Burgesses, asking <sup>the</sup> of the ~~House~~ Parliament for raising a revenue by imposing duties on America, was delivered to the committee of correspondence; and they were ordered to transmit it to the agent, with instructions that he cause the same to be presented to the King as soon as possible, "and after it shall be presented, or offered to be presented, that he procure it to be printed and published in the English Papers." 113

The session of July, 1771, that succeeding the death of Governor Botetourt, was a short session, convened by William Nelson, President of the Council, who upon the death of the governor, and pending the appointment of his successor, was ex officio governor. In the journal of this session there is no allusion to the committee of correspondence. A recent flood, the worst recorded in the history of the colony, had occasioned great loss to the people of Virginia. Especially had the owners of tobacco, stored in the public warehouses, built for convenience of transportation at landings on the great rivers, lost heavily; and most of the session of the ~~Assembly~~ was taken up with the passing of relief legislation. 114

During this session ~~of the Assembly~~ there was much agitation of the question of establishing an American Episcopate. In some of the Northern colonies this measure was warmly advocated by the press; and the effort of New York and New Jersey to petition the King in favor of the project, caused Dr. Cooper and Dr. McKean to visit the Southern colonies <sup>for the purpose of</sup> seeking their cooperation. Although the visit of these clergymen resulted in a convocation of the Virginia clergy, only a few attended. Reverend John Lamm, who had been such a vice-

113 Journals of the House of Burgesses, 1770-1772, p. 102.

114 Ibid, pp. 119-136.





vous opponent of the "Ten Penny Act", took an active part in the proceedings of this convocation; and was one of those who joined in the petition to the crown urging the establishment of the episcopate. Four of the clergy, present at this meeting, however, entered a protest against the scheme of introducing a bishopric, arguing that such action would endanger the existence of the British Empire in America; and this protest, received a unanimous vote of thanks from the House of Burgesses.

Dunmore, soon after he had become governor of Virginia, issued a proclamation on October 10th, 1771, dissolving the Assembly, which had been prorogued by Nelson, at the close of the last session, <sup>115</sup> to meet again on the fourth Thursday of October. This dissolution had no effect save to elicit indisputable proof that the House of Burgesses had reflected the sentiments of the people; for there was practically no change in the personnel of the members elected to the new Assembly, the roster showing only four changes in the entire body of members. After the election of the new Assembly, Dunmore, by five proclamations, postponed their meeting to February, 10th, 1772. <sup>116</sup>

At the session of February-April, 1772, as ~~has been already pointed out~~ has been already pointed out, a bill was introduced to reenact the law appointing the agent and the committee of correspondence. This bill was defeated at its second reading, after having been considered for several days, recommitted to the committee of the whole house, and reported back by them without amendment. During the period in which this bill was considered, the correspondence and proceedings of the committee of correspondence, from their appointment in

<sup>115</sup> Ibid, pp. xxxi-xxxii (Introduction); p. 122; Campbell's History of Virginia, pp. 561-562.

<sup>116</sup> Journals of the House of Burgesses, 1770-1772, 144-147.



1759 to 1772, was laid before the house for the consideration of the Burgesses. No evidence appears in the Journals of the House of Burgesses, it show why this bill was rejected; and as the debates on measures decided by that body were not recorded, it is impossible to give with any degree of certainty the reasons why the committee of correspondence was not reappointed. It is only in <sup>the</sup> light of after events that an inference <sup>may</sup> ~~can~~ be drawn, which appears (at least) to be reasonable. It is certain that ~~the~~ opposition to the measure developed during its second reading before the house, for it was at that time that it was sent back to the committee. From this committee it was reported without amendment and the bill was <sup>then</sup> defeated by the vote of the house. It does not seem unlikely that the attempt was made to appoint a committee, which should be under entire control of the House of Burgesses; and that, this attempt being defeated in the committee, the bill was ~~rejected~~ by the whole House. This explanation seems all the more plausible in light of the fact that in their next session, the House of Burgesses appointed just such a committee of correspondence. It is easy to understand why the House of Burgesses preferred a committee entirely under ~~the~~ the control of its own members; for Dunmore had become Governor and the Council would be, if necessary, under his control as the representative of the executive power. The House of Burgesses had already learned that little but irritating interference could be expected from a governor of Dunmore's type.

The situation at the opening of the year, 1772, had been hopeful for those who looked to conciliation and a cessation of strained relations between the mother country and her colonies.



Parliament's claim of the right to tax the colonies had not been very strictly enforced; and the colonies had fought the existing duty not by a refusal to buy the taxed articles, the question of taxation ceased to be agitated to any very great extent, and the kindly relations between England and America would probably have been renewed, "had the administration not kept up a series of most irritating measures." The Assembly of Massachusetts was not allowed to meet at Boston, but the place of meeting was changed to Cambridge. The assemblies that refused to obey the orders of the Administration, however unusual or oppressive, <sup>these orders might be</sup> were promptly dissolved. Arbitrary and even dishonest men were appointed to positions of power in the colonies, and paid out of the English treasury to render them independent of the colonies they were supposed to serve as officials. The extortion practiced in North Carolina by some of these officials brought on a popular resistance which culminated in the war of the Regulators. In Georgia, the speaker elected by the Assembly was rejected by the governor; and in all of the colonies royal instructions were put above law and the precedents of colonial government. This was against the spirit of the British Constitution, as construed by the Court of the King's Bench, presided over by Lord Mansfield, which held, that where there was a colonial Assembly allowed, the King's prerogative did not extend to the making or altering of laws.

117

When Dunmore prorogued the Assembly in April, 1772, he had stated that <sup>it</sup> ~~the Assembly~~ would be reassembled on June 24th, ~~following~~; but it was not until May 4th, 1773, that the House of

117 Henry's Historical Notes, vol 1, pp. 154, 155; Sawyer's Reports, 120, 121; W. Hall.



Burgesses was called together, after several prorogations. On March 12th, the ~~House~~ resolved itself into a committee of the whole ~~House~~ upon the state of the colony; and in this committee Dabney Carr, a representative from Louisiana, moved the following resolutions, which were reported favorably by the committee, and were unanimously adopted by the House of Burgesses:

"Whereas, the minds of his Majesty's faithful Subjects in this Colony have been much disturbed, by various Rumours and Reports of proceedings tending to deprive them of their ancient, legal and constitutional Rights.

And whereas, the affairs of this Colony are frequently connected with those of Great Britain, as well as of the neighboring Colonies, which renders a Communication of Sentiments necessary; in Order therefore to remove the Uneasiness, and to quiet the minds of the People, as well as for the other good purposes above mentioned.

Be it resolved, that a standing Committee of Correspondence and inquiry be appointed to consist of eleven Persons, to wit, the Honourable Peyton Randolph, Esquire, Robert Carter Nicholas, Richard Bland, Richard Henry Lee, Benjamin Harrison, Edmund Pendleton, Patrick Henry, Dudley Digges, Dabney Carr, Archibald Cary, and Thomas Jefferson, Esquires, any six of whom to be a Committee, whose business it shall be to obtain the most early and Authentic intelligence of all such Acts and Resolutions of the British Parliament, or proceedings of Administration, as may relate to or affect the British Colonies in America, and to keep up and maintain a Correspondence and Communication with our Sister Colonies, respecting these important Considerations; and the result of such their proceedings, from Time to Time, to lay before this House.

Resolved, that it be an instruction to the said Committee, that they do, without delay, inform themselves particularly of the principles and Authority, on which was constituted a Court of inquiry, said to have been lately held in Rhode Island, with Powers to transmit Persons, accused of Offences committed in America, to places beyond the Seas, to be tried." 118

After these resolutions had been severally voted upon, and agreed to by the House of Burgesses, it was resolved that the speaker should transmit copies of the resolution to the speakers of the various ~~Houses of Assembly~~ in America, with the request that the resolutions be laid before the respective houses; and that they appoint from their number similar committees to communicate, from





time to time, with the committee of the House of Burgesses.

This is all that the Journal of the House of Burgesses shows us concerning the appointment of this new committee of correspondence; so we must turn elsewhere for information regarding the motives that lay behind its creation. Fortunately, Jefferson, who was one of the committee, has left an account of the steps that led up to the resolutions of March 12th, which fully explains that transaction:

"Not thinking our old and leading members up to the point of forwardness and zeal which the times required, Mr. Henry, Richard Henry Lee, Francis L. Lee, Mr. Carr and myself agreed to meet in the evening in a private room of the Raleigh, to consult on the state of things. There may have been a member or two more whom I do not recollect. We were all sensible that the most urgent of all measures that of coming to an understanding with all the other colonies, to consider the British claims as a common cause to all, and to produce a unity of action; and for this purpose that a committee of correspondence in each colony would be the best instrument for intercommunication; and that their first measure would probably be, to propose a meeting of deputies from every colony, at some central place, who should be charged with the direction of the measures which should be taken by all. We therefore drew up the resolutions. The consulting members proposed to me to move them, but I urged that it should be done by Mr. Carr, my friend and brother in law, then a member, to whom I wished an opportunity should be given of making known to the house his great worth and talents. It was so agreed; he moved them; they were agreed to nem. con., and a committee of correspondence appointed, of whom Peyton Randolph, the speaker, was chairman." 119

The importance of this committee, and the results that it might accomplish in welding the colonies together in a closer union to resist the oppressive acts of Parliament, seem to have been clearly recognized by these representatives who made it possible. Indeed, the quickness with which the suggestion of the Virginia House of Burgesses was followed by the other colonial assemblies, shows that they were cognizant of the need of just such a means of



intercolonial communication, Dunmore seems to have been <sup>about</sup> the only one who did not see the true meaning of this move; and it is clear that he failed to realize its importance as a step towards union of the colonies in their fight against the headiness of the British Government. On March 31st, just after he had prorogued the Assembly, in a letter to Lord Dartmouth, in which he gave an account of <sup>of the resolutions approving his committee of correspondence</sup> the session just closed, he said: "Your Lordship will observe, there are some resolves <sup>with</sup> ~~which~~ show a little ill humour in the House of Burgesses, but I thought them so insignificant that I took no matter of notice of them." <sup>120</sup>

Only one meeting of the newly created committee of correspondence was held in this session of the Assembly, for the session was short, being prorogued on the twelfth day of its sitting, on <sup>121</sup> account of an address to the governor from the House of Burgesses, protesting against the irregular procedure used by him in the trial of persons of <sup>County</sup> ~~Pittsylvania~~ <sup>of</sup> suspected of forging the paper currency. <sup>122</sup> This meeting of the committee was held on March 13th, the day after the resolution creating it passed the House, and the minutes show that nine of the eleven members were present, Henry and Pendleton being absent. John Tazewell was appointed clerk to the committee, and was ordered to keep a full record of the proceedings thereof "from time to time." Peyton Randolph, Robert Carter <sup>(all three)</sup> ~~of whom had served on the committee of correspondence~~ <sup>in 1764</sup>, Nicholas, and Dudley Digges were appointed a select corresponding committee, and were ~~requested~~ directed to request the speakers of the assemblies of the colonies of <sup>Massachusetts</sup> ~~Massachusetts~~, Connecticut, and New York to furnish the committee of correspondence with a full account of the report of inquiry said to have been <sup>123</sup> ~~letter~~ from Dunmore to Lord Dartmouth, Bancroft Transcriptions. 1752-1773, Library of Congress. <sup>121</sup> Journals of the House of Burgesses, 1773-1776, pp. 22, 33. <sup>122</sup> *Ibid.*, p. 22 and 33, and Introduction p. viii-xi.



lately held in Rhode Island, together with an authentic copy of their admission and proceedings.<sup>123</sup>

The select committee was also instructed to procure a copy of an Act of Parliament, entitled "An Act for the better preserving his Majesty's Dock-yards, Magazines, Ships, Ammunition and Stores";<sup>124</sup> and of all other acts of Parliament which "now are or hereafter may be passed" relating to the Affairs of the British colonies in America; <sup>and</sup> copies of the Journals of the House of Commons from the session of 1765-1766 to the last session held. They were ordered to immediately transmit to the speakers of the other Assemblies copies of the "Act for making it Felony to forge the paper Currency of the other Colonies"<sup>125</sup> and ask ~~these~~ their cooperation in such legislation. The select corresponding committee was authorized and empowered to hold meetings of the committee of correspondence "whenever any Emergency" might require immediate attention.<sup>126</sup>

On April 6th, 1773, there was a meeting of the select committee of correspondence, held in Williamsburg. A letter was received from Mr. John Norton, a merchant of London, who was asked to become the confidential correspondent of the committee. Mr Norton was asked to secure for the committee the acts of Parliament and Journals of the House of Commons, mentioned above. Letters were written to the speakers of the assemblies of Massachusetts, Rhode Island, Connecticut, and New York, requesting an account of the pro-

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<sup>123</sup> This was the special court appointed to investigate the burning of the "Gaspee".

<sup>124</sup> Statutes at Large of England & Great Britain, vol. vii, p. 156.

<sup>125</sup> Hening, vol. viii, p. 651

<sup>126</sup> Minutes of the Committee of Correspondence, in Journals of the House of Representatives, 1773-1774, p. 41.



ceedings in the "Gassey affair", together with an authentic copy of the Court's commission; also enclosing a copy of the new Virginia act of assembly against counterfeiting the paper currency of other colonies. Letters, enclosing the above act, were also sent to the speakers of the assemblies of South Carolina, Pennsylvania, Maryland, North Carolina, Delaware, New Jersey, and New Hampshire; and these colonies were asked to cooperate with Virginia by the passage of reciprocal legislation in regard to the paper currency. <sup>127</sup>

In the appointment of John Norton as correspondent of the committee in England, there is noted a striking similarity in the working of this committee to the work of the older committee of correspondence. The older act creating an agent had created a committee to correspond with him; while this committee had <sup>been</sup> chosen with the power to select its agent in England. But in the case of both committees, the correspondence as far as it related to happenings in England that concerned the colony, was conducted in the same way. The second committee of correspondence, while granted a wider discretionary power than its earlier prototype, was under the control of the House of Burgesses to which its correspondence had to be submitted.

The correspondence of the Virginia committee of correspondence is nearly complete, being preserved in the Committee of Correspondence Papers in the Virginia archives; and, although a few of the letters are missing, these have been supplied from the records of the other colonies who were parties to the correspondence. These letters and proceedings of the committee of correspondence have been printed in the Journal of the House of Burgesses, Vol. 127 (1811), pp. 41-42.





lowing the sessions of the year to which the correspondence belongs.

The letters received by the committee of correspondence during the year 1773, show that nine other colonies adopted the suggestion of the Virginia House of Burgesses. ~~and that in the~~  
~~the Assembly followed the example of the Virginia legislative~~  
~~body by the appointment of committees of correspondence during~~  
~~that year.~~ The first colony to act on the Virginia resolutions was Rhode Island, whose House of Deputies, on May 7th, appointed a standing committee of correspondence, consisting of Stephen Hopkins, Metcalf Bowler, Moses Brown, John Cole, William Bradford, Henry Ward, and Henry Parland.<sup>128</sup> The Virginia Assembly was notified of the appointment of this committee in a letter from Metcalf Bowler, the speaker of the Rhode Island House of Deputies, written May 15th, a little more than a week after the committee's appointment.<sup>129</sup> The resolution appointing the committee of correspondence copies the Virginia resolution. The House of Deputies, says the letter of the speaker, being thoroughly convinced that a firm union of the colonies was absolutely necessary for the preservation of their ancient, legal, and constitutional rights, and that the measures proposed by the <sup>Virginia</sup> House of Burgesses would greatly promote a desirable end, had unanimously voted the appointment of a committee of correspondence. It was <sup>also</sup> resolved that the committee of correspondence should forward to the committee of correspondence of Virginia the accounts of the court of inquiry lately held in Rhode Island; and that copies of the resolution appointing the committee of correspondence should be sent to all the other col-

<sup>128</sup> Committee of Correspondence Papers, Journal of House of Burgesses, 1773-1776, pp. 48-49; Rhode Island Colonial Records, vol. vii, pp. 227-228;

<sup>129</sup> Letter from Metcalf Bowler to Peyton Randolph.



1811.

The Connecticut House of Representatives appointed their committee of correspondence on May 1st, consisting of the following members, Eleazer Gillman, William Williams, Benjamin Payne, Samuel Under Parsons, Nathaniel Wadley, Silas Deane, Samuel Bishop, Joseph Furber, and Jonathan Pratt. Both the fact that the committee was appointed after a consideration of the letter and resolutions of the Virginia House of Burgesses; and the language of the resolutions of the Connecticut House of Representatives, which follows closely the Virginia resolves, clearly indicate the origin of the idea. The letter from the <sup>Connecticut</sup> speaker to the speaker of the Virginia House of Burgesses states that the suggestion of the Virginia House of Burgesses was readily adopted by the Connecticut Legislature.

On May 21st, the House of Representatives of New Hampshire, acting on the Virginia House of Burgesses' resolutions and letter, which had been communicated to them by the speaker and committee of correspondence of the latter colony, came to a resolution appointing a committee of correspondence, consisting of John Wentworth, John Sherburne, William Parker, John Ciddinge, Jacob Sheafe, Christopher Toppan, and John Pickering. Of the appointment of the committee of correspondence Payton Randolph, speaker, of the Virginia Burgesses, was notified by a letter of John Wentworth, speaker of the New Hampshire House of Representatives, dated May 27th.

On May 28th, the House of Representatives of Massachusetts, in a set of resolutions that closely follow those of Virginia Bur-

<sup>129</sup> Journals of the House of Burgesses, 1770-1776, pp. 11, 28.

<sup>131</sup> *Ibid.*, pp. 49, 50; *New Hampshire, Colonial Papers*, VII, 329-334.



passed in form and content, appointed the following committee of correspondence, Thomas Cushing, John Hancock, William Phillips, William Heath, Joseph Hawley, James Warren, Richard Dearth, Jr., Eldridge Gerry, Jeremiah Pownall, Jedediah Foster, Daniel Leonard, Thomas Catherin, Jonathan Greenleaf, and James Prescott. Both in the resolutions appointing this committee of correspondence; and in # the letter, written by Cushing to the speaker of the Virginia House of Burgesses, on June 3rd, notifying them of the action of the Massachusetts legislature, there is ample evidence that it was to the suggestion and example of Virginia, and not to the local Massachusetts committees of correspondence, that the appointment of the intercolonial committees of correspondence was due. 166

But ~~this~~ the action of South Carolina, ~~that seems to~~  
~~be a very interesting example,~~ shows that the striking similarity between the intercolonial committee of correspondence and the standing committee of correspondence was clearly recognized by the South Carolina Commons House of Assembly. This was the utilization of the standing committee of correspondence for the purpose of intercolonial correspondence. Instead of appointing a new committee of correspondence, the resolutions provided "that Mr. Speaker and any eight of the other Members of the standing Committee of Correspondence, be a Committee to enquire for and obtain Intelligence upon the several Matters mentioned in the said resolutions, and to correspond with the Committee, appointed by the said House of Burgesses, and Committees appointed or to be appointed in our Sister Colonies respecting the same." Here we see the use of the

13. ~~This, pp. 50, 51.~~ Journals of the House of Burgesses  
 1773-1776, pp. 50, 51.



already existing committee of correspondence, which had been created primarily to communicate with the colonial agent, to perform the function of intercolonial communication, for which most of the colonies ~~were~~ appointed new committees. It has (already) been shown in these pages, that the occasional correspondence between the colonial legislative houses had been <sup>usually</sup> carried on by the speaker or by the committee of correspondence. In the appointment of South Carolina's committee of correspondence, we see that the speaker was joined to eight members of the standing committee of correspondence to carry on the correspondence with the other colonial assemblies. ~~the~~ ~~appointment of her committee~~ South Carolina, the first ~~one~~ of the Southern <sup>Colonies</sup> ~~to~~ to act on the Virginia letter and resolutions, passed ~~the~~ resolutions providing <sup>use of this committee for</sup> the intercolonial ~~committee~~ ~~of correspondence~~ April 17th, two days after her assembly convened for its first session after their receipt.

On September ~~the~~ 10th, the Commons House of Assembly of Georgia, appointed the speaker and any five of its committee of correspondence, to be a committee of correspondence for intercolonial communication. Except for the difference in the size of the committee appointed, the action taken in Georgia was the same as South Carolina's. <sup>123</sup>

The committee of correspondence of Maryland was appointed October 15th. The resolutions and letter of the Virginia House of Burgesses had been considered by the lower house of the Maryland Assembly in its ~~one~~ session; but before resolutions could be entered into appointing a committee, the assembly was unexpectedly prorogued. There was no chance of appointing the committee until

123 1774, pp. 60, 61; Smith, South Carolina as a Royal Province, 402-404; Commons House Journals, XXXIX, part II, 25-27.





another session of the assembly, did not meet until December, <sup>1774</sup> <sup>لست</sup>  
 soon after the session opened the following committee of corres-  
 pondence was chosen, Matthew Tishman, John Hall, Thomas Johnson,  
 William Bann, Samuel Chase, Edward Lloyd, Matthias Hammond, Josiah  
 Beale, James Lloyd Chamberlain, Rufus Thomas, Beale Westington,  
 174  
 and Joseph Elio.

There was only one of the Middle Colonies in which a com-  
 mittee of correspondence was appointed in 1773, Delaware, whose  
 House of Representatives, on October 17th, passed the following of  
 its members a committee of correspondence, Caesar Rodney, George  
 Read, Thomas Willson, John W. Willson, and James Robinson. The res-  
 olutions of the Delaware legislature, in form and dictation, follow  
 closely the Virginia resolutions. 181

One other colonial <sup>legislature</sup> ~~assembly~~ appointed a committee of cor-  
 respondence in 1773, North Carolina, whose House of Assembly, on  
 December 9th, adopted resolutions to that effect. Having consid-  
 ered the letters of the Virginia House of Burgesses, including a copy  
 of the resolutions of March 12th, appointing a committee of cor-  
 respondence; and also several letters from the other colonies "ex-  
 pressing their high approbation of and concurrence ~~with~~ with so salu-  
 tary a measure", <sup>the North Carolina Assembly</sup> passed ~~the~~ resolutions commending Virginia's action  
 and concurring in her resolutions. The committee appointed by these  
 resolutions of the North Carolina Assembly was composed of the  
 following members, John Harvey, and Messrs. Ward, Barnett, Hooper,  
 Cassell, Vail, Ash, Hayes, and Samuel Johnston. 182

134 ~~1773, pp. 12, 13~~, Journals of the House of Burgesses, 1773-1776  
 P-62, 63

135 1773, pp. 30, 31.

136 1774, pp. 62, 64; <sup>Colonial Records, vol. ix. pp. 740, 741.</sup>



Two letters were received from John Crusier, the ~~member~~ of the New York Assembly, by the Virginia committee of correspondence in 1773. One was in answer to ~~the letter~~ <sup>the letter</sup> of Benjamin Harrison's letter of March 18th, including the resolutions of the Virginia House of Burgesses of March 18th, and stated that the resolutions would be laid before the New York Assembly when it convened. The other letter was written on April 24th, in answer to the letter of the Virginia select committee of correspondence of April 6th. The letter says that the New York Assembly had "a committee of correspondence of the same kind with yours intended", but that as soon as there should be a meeting of the <sup>assembly</sup> the matter ~~shall~~ <sup>would</sup> be called to their attention.

In the letters of the committee of correspondence there is a letter from John Norton, the merchant who had been chosen as the representative of the Virginia committee in London. This letter bears the date of May 17th, 1773, and was written in answer to the letter of the select committee of correspondence of April 18th. Mr. Norton expressed the trust & repose in him as the committee having seen fit to choose him as confidential correspondent; <sup>he</sup> and stated that he had sent the committee under favor of his friend, Benjamin Harrison, the information requested in their letter. In regard to the duties on tea, he <sup>wrote</sup> ~~wrote~~:

"Our Present Parliament who are just returned have made such strides toward's Despotism for sometime past, with respect to the East India Company as well as America, that we have too much Reason to dread bad consequences from such Proceedings. Some of my Friends in the India Direction tell me that they have thoughts of sending a quantity of Tea to Boston, New York, Philadelphia, Virginia & South Carolina, which Government seems to approve, but they solicit



their Duties are to be a full Part of the Duty, and force them to fulfill the full Duty, as they might be well assured it would not be received on any other Terms, what their Resolutions, will be, time only will discover." 138

Of all the colonies, Pennsylvania and New Jersey were the most backward in their action on the question of appointing inter-colonial committees of correspondence. In Pennsylvania, the Assembly was presided over by Joseph Galloway, a man of decided Tory sympathies. His tardy acknowledgment of the receipt of the Virginia letter and resolutions, which had been sent to him on the 19th of March, was not written until the 25th of September. This letter stated that the letter and resolutions had been laid before the Assembly; but "as the present assembly must in a few Days be dissolved, \*\*\*\*\* and any Measures they might adopt at this Time, rendered, by the Dissolution ineffectual, they have earnestly recommended the Subject Matter of the letter and Resolutions of the House of Burgesses of Virginia to the Consideration of the succeeding Assembly."<sup>139</sup> No action was taken by New Jersey until the beginning of the following year.

Two other letters were received by the committee of correspondence of Virginia during the year 1773. On August 10th, the select committee of correspondence of Connecticut wrote to find out what the procedure had been in Virginia in regard to writs of assistance. "We are directed," say the select committee, "to request of you the Favor to inform us, what has been done, by the Judge or Judges of the superior Court in your Colony, on the Requisition

<sup>138</sup> Ibid, pp. 53, 54.

<sup>139</sup> Ibid, p. 54.



case, for writs of assistance. That matter is now under the consideration of the Supreme Court here, and is <sup>it is</sup> a question of very great importance to the Colonies in general. We wish your answer, that the resolutions that have been laid with you, and your candid and free sentiments thereon, may be fully known here." <sup>140</sup> The other letter, from the committee of correspondence of Massachusetts, is a plea for the necessity of colonial union against the encroachments of the British Parliament in the field of colonial taxation. <sup>141</sup>

By the end of the year 1773, we are told <sup>nine</sup> ~~that~~ <sup>^</sup> of the American colonies had followed the suggestion of the Virginia House of Burgesses by appointing intercolonial committees of correspondence, leaving three of the Middle Colonies, Pennsylvania, New York, and New Jersey yet to take action in this matter. In all of ~~the~~ these there is no allusion made to the local committees of correspondence; while both in form of the committees appointed, and in the language of the resolutions making the appointment, it is evident that the committees were modeled ~~after~~ <sup>on</sup> that of Virginia.

On January 6th, 1774, the select committee of correspondence met at Williamsburg. The letter of August 10th, from the select committee of correspondence of Connecticut, was read, considered, and an answer prepared, which went into an able argument on the question of the writs of assistance. In their opinion on the merits of the case, the select committee, two of whom were able attorneys, <sup>took</sup> ~~took~~ <sup>^</sup> issue with the opinion of William De Grey, the Attorney General of England, and his arguments <sup>were</sup> ~~are~~ <sup>^</sup> considered by them ad seriatim.

<sup>140</sup> Ibid, p. 55.

<sup>141</sup> Ibid, pp. 56, 57, and 58.

<sup>142</sup> Ibid, pp. 126, 127, and 127.





The committee of correspondence held its next meeting on May 21<sup>st</sup>, 1774, on the second day of the new session of the Assembly. The transactions of the select committee of correspondence were laid before the committee and read, "together with the several letters" which had been received from the different colonies; and it was ordered that the proceedings and letters should be laid before the House of Burgesses. <sup>143</sup> On May 21<sup>st</sup>, the committee of correspondence held another meeting, when a letter that had been received from the committee of correspondence of New Jersey announcing its appointment, was read and ordered to be laid before the House of Burgesses. <sup>144</sup>

The proceedings of the committee of correspondence, and the letters and resolutions received by them from the other colonies; together with the letters received by the speaker of the House of Burgesses, were laid before that body, on Thursday, May 26<sup>th</sup>, according to order. All of these letters and papers were read, and it was resolved that they should be taken into consideration by the House on the following Thursday. It was further ordered that the clerk of the committee of correspondence should transcribe the said letters and papers into a book. <sup>145</sup> Before the committee of correspondence papers and proceedings again came before the House of Burgesses the Assembly was suddenly prorogued.

The House of Burgesses seem to have postponed the consideration of these papers purposely until the other business of the

<sup>143</sup> Journal of the House of Burgesses, 1774-1775, p. 137.

<sup>144</sup> *Ibid.*, p. 138.

<sup>145</sup> *Ibid.*, pp. 170, 171.



meeting could be completed. For on a discussion of Dunmore's edict not like their proceedings. But on the receipt of news of the "Boston Port Bill", the House of Burgesses, <sup>in May 1774,</sup> passed resolutions, appointing a day of fasting and prayer; and on the 14th, Dunmore, hearing of the resolutions, dissolved the House, claiming that the language used in the order of that body was a reflection on the King. The resolution appointing June 1st, as a day of fasting, humiliation, and prayer was introduced by Robert Carter Nicholas, and was printed in the *Virginia Gazette* of May 26th. <sup>146</sup>

Jefferson, in his journal, gives these facts concerning the action of the House of Burgesses:

"The lead in the House, on these subjects, being no longer left to the old members, Mr. Henry, R.H. Lee, Fr. L. Lee, three or four other members, whom I did not recognize, and myself, agreeing that we must boldly take an unequivocal stand in the line with Massachusetts, determined to meet and consult at the printer's business, in the Council Chamber, for the benefit of the library in that room. We were under conviction of the necessity of arousing our people from the lethargy into which they had fallen, as to passing events; and thought that the appointment of a day of general fasting and prayer, would be most likely to call up and alarm their attention. No example of such a solemnity had existed since the days of our distresses in the war of '55, since which a new generation had grown up. With the help, therefore, of Rushworth, <sup>147</sup> whom we consulted over for the revolutionary ~~new~~ precedents and forms of the Puritans of that day, necessarily holding, we took an <sup>147</sup> resolution, somewhat modernizing their phrases, for appointing the first day of June, on which the Port Bill was to commence, for a day of fasting, humiliation and prayer, to implore Heaven to avert from us the evils of civil war, to inspire us with firmness in support of our rights, and to turn the hearts of the King and Parliament to consideration and justice. To give greater emphasis to our resolution, we agreed to wait the next morning on Mr. Nicholas, whose grave and religious character was more in unison with the tone of our resolution, and to solicit him to move it. We accordingly went to him in the morning. He moved it on the same day; the first of June was proposed, and it passed without opposition." <sup>148</sup>

146 *1774, pp. 124, 132; Virginia Gazette, May 26th, 1774.*

147 Rushworth's *Historical Collections*, vol. iv, p. 494.

148 *Washington's Jefferson*, vol. i, pp. 67; *James F. Johnson, The History of Pennsylvania from the Discovery by Europeans to the Declaration of Independence - 1776*, 485.



On May 27th, the day after the organization of the House of Burgesses, eighty-nine members of that body held a meeting in and adopted an association, the Faleth Tavern, at Williamsburg, which was signed by the members present, and afterwards by twenty-one other citizens. Resolving to join this non-interference association, recommending the stopping of all trade relations with England until the repeal of the objectionable duties, the Burgesses instructed the committee of correspondence to communicate with their several corresponding committees, on the expediency of appointing deputies from the several colonies of British America, to meet in general conference, at such place & annually as shall be thought most convenient; there to deliberate on those general measures which the united interests of America may from time to time require.<sup>180</sup>

These instructions were carried out by the committee of correspondence at the next meeting of the committee, on May 28th, when a circular letter was written to the committee of correspondence of Pennsylvania, New York, Maryland, New Jersey, Massachusetts, Rhode Island, Connecticut, New Hampshire, Delaware, North Carolina, South Carolina, and Georgia; and these letters were sent by the same day's post.<sup>181</sup>

The select committee of correspondence met on May 31, when "several Letters from Maryland, Pennsylvania and Massachusetts" were laid before the committee and read. It was resolved that a letter should be immediately addressed to the North Carolina committee of correspondence, inclosing copies of these

<sup>180</sup> Journals of the House of Burgesses, 1775-79, vol. xlix., 180 (1810, p. 180).



selected ambassadors, with the request that the North Carolina committee forward them to the two other Northern colonies, notifying them of their other resolutions there.

A letter<sup>111</sup> was also ordered and sent to the committee of correspondence of Maryland, notifying them that upon the receipt of their letter of the 25th of May, inclosing the letter and resolutions from Boston, the majority of the Association, Session General, had called a meeting of as many of the Deputies as could be reached, most of the representatives having returned to their respective counties; and that twenty-five of them had been received on May 10th, and agreed to recommend that there be a Convention of the Representatives of the House of Burgesses in Williamsburg on August 1st.<sup>112</sup>

On August 4th, 1774, during the session of the Virginia Convention, which was composed of the duly elected members of the House of Burgesses, the <sup>select</sup> committee of correspondence held a meeting and prepared letters to the committees of correspondence of Maryland and Pennsylvania, notifying them that Virginia had elected her delegates to congress. As the Convention was still in session and had not finished its deliberations, the whole proceedings would not, at that time, be transmitted.

The Convention was in session from August 1st to August 5th, and the result of its deliberations was the adoption of an association, containing provisions for a nonimportation agreement to become effective after November 1st, 1774 and a non-exportation agreement to go into force on the 10th of March, 1775.  
181 JVA, pp. 176, 177, 147, 148, 149, 147, 148.

<sup>111</sup> Calendar of Virginia State Papers, vol. VIII, pp. 52, 53.

<sup>112</sup> Papers of James Oglethorpe, vol. I, pp. 10, 11, 12, 13.





if American grievances were not redressed by that time. To see that the provisions of these agreements ~~were~~ should be complied with, committees of observation were to be appointed in each county, whose duty it should be to report <sup>violations</sup> ~~of~~ of the association. The work of these local committees will be fully treated in another chapter.

The remaining correspondence of the Virginia committee of correspondence, the letters received by them in 1774, can be treated briefly. On March 1st, the speaker of the New York Assembly notified Peyton Randolph, that on January 20th, 1774, a committee of correspondence had been chosen by that body: <sup>154</sup> and on March 14th, the committee of correspondence of New Jersey notified Virginia of their appointment, by a resolution of the New Jersey Assembly, on February 8th. <sup>155</sup> The province of Pennsylvania was so tardy in the appointment of its committee of correspondence that a mass-meeting <sup>of</sup> Philadelphia inhabitants on May 10th, 1774, appointed a committee of correspondence, which carried on a correspondence with the other colonies till the Assembly, at the next session, <sup>decided to utilize its standing committee of correspondence, to which was added the Speaker, Joseph Balloway.</sup> <sup>156</sup>

The other letters deal chiefly with the subject of a general congress and show the leading part played by the inter-colonial committees of correspondence in the creation of that body. As has been already seen, Virginia first protested in the circular letter of May 20th, the matter of a congress. In the second Monday in June, 1774, the general assembly of that colony appointed

<sup>154</sup> ~~Journal of the Virginia House of Burgesses, 1773-1776, p. 147.~~  
<sup>155</sup> ~~Journal of the Virginia House of Burgesses, 1773-1776, p. 147.~~  
<sup>156</sup> ~~Journal of the Virginia House of Burgesses, 1773-1776, p. 147.~~  
 month, For American Archives, 4<sup>th</sup> series, I, 318.

<sup>156</sup> Thomas F. Gordon, The History of Pennsylvania from its Discovery by Europeans to the Declaration of Independence in 1776, p. 483.







several times, shows that the Congress was indeed more than a meeting of a committee of committees.<sup>159</sup> An examination of the journals of the Congress of 1774, shows that a majority of its members were members of the committees of correspondence.<sup>160</sup> These committees, which had created the Congress, had acted for the various legislatures, they constituted a representative organization of the colonies. Of this representative character was this body and very prominent, as the numerous colonial legislatures ratified its action; and the work of their committee of correspondence in its session.

With the convening of the Continental Congress the great work of the intercolonial committees of correspondence had been accomplished; and <sup>most of</sup> their activities were soon lost in the central legislative body which they had created. By 1775 another committee, the committee on council of safety, began to assume as the executive power in the colonies during the interregnum between the dissolution of the colonial governments in the colonies, and the rise of the state government; and this committee of safety replaced the committee of correspondence completely, absorbing its remaining functions and in many cases its membership. The transition from the committee of correspondence to the Virginia committee of safety will be treated in another chapter.

<sup>159</sup> Journals of the Virginia House of Burgesses, 1774, pp. 15-30.

<sup>160</sup> ~~See~~ See credentials of the delegates to the Congress of 1774, in Ford's Journals of Congress, vol. i, pp. 15-30.



Chapter III.

THE VIRGINIA LOCAL COMMITTEES.

With the first meeting of the Continental Congress, in September, 1774, the intercolonial committees of correspondence soon sank into insignificance, or passed out of existence entirely. Their work had been accomplished in the creation of a central body, "a congress of committees," representative of the colonies; and their functions were to a large extent absorbed by the new body in whose making they had played so important a part. Many of the delegates to the Congress were the more prominent members of the intercolonial committees.<sup>1</sup> Not only did the committees surrender to the newly created Congress many of their functions, but to that body they yielded much of their membership as well. .

During the years that followed the short-lived New England Confederacy of 1643, there were many attempts to bring about some form of union for the British Colonies in North America.<sup>2</sup> Some of these plans of union were administrative measures suggested by the British Government; some were plans put forward by individuals; some were efforts at union on the part of the colonies themselves. None of them succeeded in accomplishing any very tangible results, though undoubtedly the idea of colonial union was fostered by all. In the Albany Convention of 1754, several plans had

<sup>1</sup> Of the Virginia Committee of Correspondence of 1773, Peyton Randolph, Richard Henry Lee, Patrick Henry, Richard Bland, Benjamin Harrison, and Edmund Pendleton, were delegates to the first Continental Congress. George Washington was the only Virginia delegate who was not a member of this committee.

<sup>2</sup> Some of these plans were: Plan of James II, Penn's Plan, D'Avenant's Plan, A Virginian's Plan, Livingston's Plan, Stair's Plan, Plan of the Lords of Trade, Cox's Plan, Kennedy's Plan, Franklin's Albany Plan, Peter's Plan, Hutchinson's Plan, and Johnson's Plan.





been considered, among others that of Benjamin Franklin, but none were agreed upon. It was not until the Stamp Act Congress, which followed the passage of Patrick Henry's famous resolutions ~~against that attempt on the part of Parliament to levy a stamp tax~~, that any united colonial action was secured from the colonies as a whole. While only part of the colonies were represented in the Stamp Act Congress, some of the governors having refused to call together the assemblies, the colonies that were thus prevented from being represented acted in concert with the program agreed upon by the Congress.<sup>3</sup> The attempts of Parliament to enforce the stamp tax, thus brought about united colonial action for the repeal of that obnoxious measure. Pressure from without had gone far toward effecting colonial union, where all attempts from within had heretofore met with failure. The petition to Parliament, agreed upon at the Congress, had been so ably solicited by the agents of the various colonies, acting together, that the tax was soon repealed.

With the repeal of the Stamp Act, the colonies felt that they had won a decided victory; and hailed with expressions of gratitude the news of the repeal of this internal revenue act. But their joy was short-lived, for the retention of the duty upon tea, and the passage of the Declaratory Acts, and the Boston Port Bill, soon convinced them of the intention of Parliament to pursue a colonial policy, coercive rather than conciliatory. The effect of united action against the Stamp Act had been learned by the colonists, they had seen that in union there was strength. In the growing consciousness that united

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<sup>3</sup> Journals of the Stamp Act Congress, in Miles, Principles and Acts of the Revolution, pp. 159, 160, 161.



action on their part alone could preserve their legislative rights from further parliamentary encroachment, the assemblies, through the agency of their committees of correspondence, had inaugurated intercolonial communication, which had resulted in the convening of the Continental Congress. Pressure of dangers from without had obscured the sectional differences, jealousies, and misunderstandings that had hitherto rendered colonial union impossible of attainment. The inward forces, making against colonial union, had been overbalanced by forces acting from without, and driving the colonies into a position in which united action was both possible and necessary. These unifying forces were the continued parliamentary encroachments upon the sphere of colonial legislative action. Yet, however much they might have been obscured in the face of a common and imminent danger, the decentralizing forces were not removed, for when the danger from without was ~~was~~ overcome with the successful termination of the conflict with Great Britain, the disintegrating forces, colonial jealousies and sectional interests, were destined to again come strongly into play in opposition to the formation of a strong central government. It was the presence of danger from parliamentary encroachment that inaugurated mutual councils and brought about concerted colonial action.

With the convening of the first Congress, the sentiment of the colonies seems to have been overwhelmingly for reconciliation with the mother country, if such reconciliation could be had on terms in any wise fair to the colonies. Indeed, what seems to have been uppermost in the minds of the people was the hope for a redress of colonial grievances and a union with Great Britain upon a constitutional basis that would clearly state the rights and duties of each. A careful study of the writings of the colonial leaders has convinced the writer that there were few persons in America who had considered separation from Great Britain as even a



remote contingency. When the Congress assembled in Philadelphia, in September, 1774, it is possible that two of the leaders, Samuel Adams and Patrick Henry, had some ideas of the lengths to which the stubborn policy of the British Administration might be carried and of the possible outcome of united colonial resistance. But it is very certain that the bulk of the American people had entertained no serious thought of severing all connection with the mother country.

The building up of a spirit of union between the various colonies was to be the work of Congress; while the unifying of sentiment within each colony must be performed by the leaders of each colony within the colony itself. The success of the policies adopted by the Congress would depend entirely upon the support accorded them by the people of the various colonies; for Congress was a creation of the provinces, and must look to the people of each colony for ratification and aid. With the development and growth of the spirit of unity in the Continental Congresses, this study is not <sup>directly</sup> concerned; but with the development of the spirit of independence in the colony of Virginia this chapter will deal, for that was, to a large extent, the work of the local committees.

So different were the problems that each colony was called upon to solve, during the period from 1774 to 1776, that each of the colonies must be considered as a unit, and a separate study of each undertaken before any generalizations, concerning the work of the local committees, can be made. In no two colonies was the situation identical. In many of them wide differences are at once evident. In each the situation had to be handled in the way, best suited to local conditions, - best fitted to local needs. The feelings of the people, their



preparedness for radical measures, the best measures to <sup>be</sup> followed, and the time for taking certain action, - these had to be determined by each colony in the manner best fitted to produce the best results. In some communities the more radical had to be restrained; while the halting, timid, or more conservative could be spurred on, so that when the time came for decisive action a majority of the community would act as a unit. It was in the shaping of public opinion, and in preparing the various colonies for definite united action that one of the most valuable functions of the local revolutionary committee was exercised. Peculiar conditions had to be met with peculiar methods. The problems that Massachusetts and Virginia had to solve were by no means identical. North Carolina's committees had to work against very different obstacles from those that faced the committees in Rhode Island and Connecticut. The situation in New Hampshire, while alike in some of its broader and more general features, was very different from that of the province of New York or Pennsylvania. South Carolina and Georgia must face situations far from the same that must be met in Maryland or New Jersey or Delaware. Local conditions necessitated varied action, and in each colony the measures used were largely dictated by the exigencies of the case. ~~This is the reason~~ <sup>For these reasons</sup> no generalizations will be attempted in this study concerning the work of the local committees; <sup>in other colonies</sup> the writer endeavors to <sup>^</sup> show only how the Virginia system of local committees worked.

Before the first meeting of the Continental Congress, local committees of correspondence seem to have had little part in the affairs of the colony of Virginia. Within that colony only Norfolk, Williamsburg, and Alexandria might be termed cities. Nor were there many large towns in the colony, for the occupations of the people





were mainly agricultural, and the communities were rural communities, whose plantations produced large quantities of tobacco- the colony's staple product. The plantation system of Virginia contrasted strongly with the townships of New England, in which the population was divided between the small farmer and the fisher or trader; and where the farming was much more diversified than in the Southern colonies. In New England there were many towns, surrounded by small farms; in Virginia, plantations of vast extent, with here and there a small village, often a few houses and an inn clustered around the county court house. In New England the great political factor was the town-meeting; in Virginia, it was the county court. Here it was that the freeholders of the county assembled for the election of their Burgesses, and for the transaction of any other public business. It was here that the Burgesses discussed with their constituents the political questions of the day; and here resolutions were adopted, petitions certified to the assembly, and other public business discussed and transacted.

What the town-meeting was to the New England colonies, the county-court was to the Virginia planters. In Virginia, <sup>nearly</sup> we shall look in vain for the record of town meetings; for the county-court was the centre of county life; and as the town was the unit in New England politics so ~~the town~~ the county was the unit in Virginia affairs. One is not surprised when he finds how small a part the town <sup>meeting</sup> plays in Virginia politics and life. <sup>Because of the small number of</sup> ~~Without many~~ towns or cities, we shall notice that most of the <sup>Virginia</sup> committees of 1774-1776, were county committees; but so important was the work that they accomplished, that their proceedings must be examined with care and at some length.



On May 6th, 1774, the Virginia Assembly was again convened, after repeated prorogations by the governor, Lord Dunmore. Soon after the beginning of the session news was received, by the House of Burgesses, of the passage of an act of Parliament, for discontinuing the shipping or discharging goods in the harbor of Boston, or as it was generally called the "Boston Port Bill." The receipt of this news occasioned much alarm, and created great excitement throughout the colonies in general; and Williamsburg was no exception to the rule. In a letter <sup>to</sup> ~~written by George Mason to his friend Martin Cockburn, he says, that~~ *written by George Mason* May 16th, on the eve of the sudden dissolution of the House of Burgesses, ~~by the governor, he~~ *says that he* found everybody's attention, so entirely engrossed by the Boston affair," that he had to postpone his business.<sup>4</sup> While he expected a dissolution of the House of Burgesses as a result of certain resolutions that had been passed by that body, naming June 1st, the day upon which the "Boston Port Bill" was to go into effect,

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<sup>4</sup> Letter from George Mason to Martin Cockburn, dated May, 16, 1774, in Henry's Patrick Henry, vol. i, pp. 183, 184. This letter is as follows: "I arrived here on Sunday morning last, but found everybody's attention, so entirely engrossed by the Boston affair, that I have as yet done nothing respecting my charter-rights and, I am afraid, shall not this week.

"A dissolution of the House of Burgesses is generally expected; but I think will not happen before the House has gone through the public business, which will be late in June.

"What ever resolves or measures are intended for the preservation of our rights and liberties, will be reserved for the conclusion of the session. Matters of that sort here are conducted and prepared with a great deal of privacy, and by a few members, of whom Patrick Henry is principal.

"At the request of the gentlemen concerned, I have spent an evening with them upon the subject, when I had an opportunity of conversing with Mr. Henry, and knowing his sentiments; as well as hearing him speak in the House since on different occasions. He is by far the most powerful speaker I ever heard. Every word he says not only engages, but commands the attention; and your passions are no longer your own when he addresses them. But his eloquence is the smallest part of his merit. He is in my opinion the first man upon this continent, as well in abilities as public virtues, and had he lived in Rome about the time of the first Punic War, when the Roman people had arrived at their zenith of glory, and their virtue not tarnished, Mr. Henry's talents must have put him at the head of their orators.



as a day "for fasting, humiliation, and prayer, he did not think a dissolution would come, until the private business had been considered. But the dissolution came earlier, and came earlier than was generally expected, for the Assembly was dissolved on the day after Mason's letter was written.

The letter of George Mason casts some interesting light on the statement of Jefferson ~~relating~~ the passage of the resolutions for a day of fasting and prayer. The preparation of these resolutions had been undertaken <sup>on May 23rd,</sup> by Henry, Richard Henry Lee, Francis Lightfoot Lee, Jefferson, and ~~three~~ "three or four other members whom Jefferson did not recollect. It is not unlikely that George Mason was present at the ~~meeting~~ meeting at which these resolutions were prepared; for his letter to Cookburn states that he had attended a meeting of the group of leaders of whom Patrick Henry was one. It is not improbable that he was one of those present at the drafting of these resolutions. On the day after their preparation, Robert Carter Nicholas, the chairman of the commit-

Commonwealth.

"I enclosed you have the Boston Trade Act, and a resolve of our House of Burgesses. You will observe it is confined to the members of their own House; but they would wish to see the example followed throughout the country; for which purpose the members, at their own private expenses, are sending expresses with the resolve to their respective counties. Mr. Massey will receive a copy of the resolve from Col. Washington; and should a day of prayer and fasting be appointed in our county, please tell my dear little family that I charge them to pay strict attention to it, and that I desire my three eldest sons, and my two eldest daughters, may attend church in mourning, if they have it, as I believe they have."

5 Washington's Jefferson, vol. 1, pp.6, 7.



tee of religion, was selected to move these resolutions in the House, and they were passed without opposition. Lord Dunmore, hearing that the resolutions were intended to pave the way for other resolutions of the House of Burgesses, on the 27th, dissolved the Assembly, after having obtained the assent of the Council.

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On May 27th, the Burgesses, who had not left the city, eighty-nine in number, met in the Raleigh Tavern and adopted an Association. ~~This Association stated that the Burgesses, having been denied the right of acting in their legislative capacity by the sudden interposition of the governor, took this means of giving advice to their fellow countrymen that they would have preferred giving in their legislative capacity.~~ This paper gives a clear statement of the position of the representatives of the colony regarding the colonial policy of Parliament:

"We his Majesty's most dutiful and loyal subjects, the late Representatives of the good people of this country, having been deprived by the sudden interposition of the Executive part of this Government from giving our countrymen the advice we wished to convey to them in a legislative capacity, find ourselves under the hard necessity of adopting this, the only method we have left, of

6 Force, American Archives, 4th Series, vol. 1, p. 352. Letter from the Earl of Dunmore to the Earl of Dartmouth, dated May, 29, 1774. In this letter, he writes as follows: "The General Assembly of this Colony met here in Williamsburg on the 5th of May, for the dispatch of the necessary business, and a few days after an account arrived in this country of the Act of Parliament, passed for discontinuing the shipping or discharging goods in the harbour of Boston, which has induced the House of Burgesses again, on this occasion to declare, what they are fond of having it thought always originates with them, a determined resolution to deny and oppose the authority of Parliament. Accordingly Robert Carter Nicholas, the Treasurer of this Colony, made a motion for the order, which passed, and which I herewith transmit to your Lordship.

"It was intended by the solemnity of a public fasting and praying to prepare the minds of the people to receive other resolutions of the House, the purpose of which I am not informed of, but from such a beginning may naturally be concluded would tend only to inflame the whole country, and instigate the people to acts that might arouse the indig-





(circled) pointing out to our countrymen such measures as in our opinion are  
 best fitted to secure our highest rights and liberty from destruction,  
 by the heavy hand of power now lifted against North America.  
 With much grief we find that our British applications to Great Britain,  
 for security of our just, ancient, and constitutional rights, have  
 not only been dissipated, but that a determined system is formed  
 and pressed for reducing the inhabitants of British America to slavery,  
 by subjecting them to the payment of taxes imposed without  
 the consent of the people or their representatives; and that in  
 pursuit of this system, we find an Act of the British Parliament,  
 lately passed, for stopping the harbour and commerce of the town  
 of Boston, in the Winter Colony of Massachusetts Bay, until the  
 people there submit to the payment of civil and constitutional taxes,  
 and which not only violently and arbitrarily deprives them of their  
 property in wharves wharfs erected by private persons, at their  
 own great and proper expense, which not so, in our opinion, a most  
 dangerous attempt to destroy the constitutional liberty and rights  
 of all North America.

"It is further our opinion, that as soon, on its importation  
 into America, is charged with a large, imposed by Parliament for the

nation of the mother country, against them; in hopes therefore of preventing  
 the progress of these ill-effects by the only means in my power, which  
 I fear will not be effectual, I have with the unanimous consent of the  
 Council, dissolved the Assembly, and I have determined not to issue new  
 writs until I hear from your Assembly, and am informed whether his Majesty  
 shall think it necessary to give us any ground in respect to this un-  
 doubtful part of the Legislature of Virginia."

This letter of Lord Dunmore corresponds in the main to the letter  
 of 22nd March to Martin Cockburn, quoted before in this chapter.

See also a letter from Richard Henry Lee to Samuel Adams, dated  
 June 23, 1774; and a letter from Lee to his brother, Arthur  
 Lee, dated June 26, 1774 in "The Letters of Richard Henry Lee", by J. C. Calhoun,  
 vol. 1, pages 111 to 118. These letters give the text of the resolutions  
 for which the public fasting and prayer was to have the way.  
 Lee thought these resolutions would have been passed by a majority  
 of "an hundred to one." It is likely that he ascribed to the pro-Dunmore  
 who seems to have been the only Tory in the House, a vote against them.



purpose of raising a revenue, without the consent of the people, it could not be used by any person who wishes well to the constitutional rights and liberty of British America. And whereas the India Company have unconstitutionally violated the rights of America, by sending many ships loaded with tea into the Colonies, thereby intending to fix a precedent in favour of arbitrary taxation, we deem it highly proper and do accordingly recommend it strongly to our countrymen, not to purchase or use any kind of East India commodity whatsoever, except saltpetre and spices, until the grievances of America are redressed.

"We are further clearly of ~~the~~ opinion, that an attack, made on one of our sister Colonies, to compel submission to arbitrary taxes is an attack made on all British America, and threatens ruin to the rights of all, unless the united wisdom of the whole be applied. And for this purpose it is recommended to the Committee of Correspondence, that they communicate, with their several Corresponding Committees, on the expediency of appointing Deputies from the several Colonies of British America, to meet in general Congress, at such place annually as shall be thought most convenient: there to deliberate on those general measures which the united interests of America may from time to time require.

"A tender regard for the interest of our fellow-subjects, the merchants and manufacturers of Great Britain, prevents us from going further at this time; most earnestly hoping, that the unconstitutional principle of taxing the Colonies without their consent will not be persisted in, thereby to compel us against our will, to avoid all commercial intercourse with Britain. Wish-



ing them and our people free and happy, we are their affectionate friends the late Representatives of Virginia."

This document was signed by six ty-nine of the Burgesses and by a number of other inhabitants of the colony: and as news of the meeting came into the different counties, each of these took action of a very similar nature.

On Sunday afternoon, May 29th, letters were received by express from Boston, Philadelphia, and Annapolis, testifying the resentment in those places, and of the more Northern provinces in general, against the late oppressive act of Parliament, for closing the port of Boston; and recommending a union of measures to their Southern brethren, "to induce the Ministry to ~~abate~~<sup>withdraw</sup> their vicious and unconstitutional designs against American freedom, which they consider themselves equally entitled to with their fellow-subjects in Britain." <sup>8</sup> Upon the receipt of these letters, Peyton Randolph, the speaker of the House of Burgesses, and chairman of the committee of correspondence, thought it proper to convene all of the Burgesses who were still in Williamsburg, and these members, after considering the letters, came to a resolution to call together the other Burgesses who resided near the ~~city~~<sup>city</sup>. To these members notice was, accordingly sent, that there would be a meeting at ten o'clock on May 30th. At this meeting it was unanimously agreed to have a meeting of the members of the House of Burgesses, in Williamsburg, on August 1st. It was this meeting that became the first Virginia Convention.<sup>9</sup>

<sup>7</sup> Force, American Archives, 4th Series, vol. i, pp. 350, 351. Broadside in Library of Congress.

<sup>8</sup> Force, Amer. Ar. 4th. Series, vol. i, p. 351.

<sup>9</sup> Calendar of Virginia State Papers, vol. viii, pp. 52, 53.



In Williamsburg, June 1st, was observed as a day of fasting and prayer, in accordance with the resolution of the House of Burgesses.<sup>10</sup> The speaker and as many of the members of the late assembly, as were in town, with the citizens of Williamsburg, and numbers from a distance, assembled at the court House and went in procession to the church, where, <sup>present</sup> a sermon related to the unhappy dispute "between Great Britain and her colonies, was preached by Mr. Price, the chaplain of the House of Burgesses, agreeable to the order of that body!"<sup>11</sup>

Not only in Williamsburg, but throughout the colony the day was generally observed. George Mason states, in the letter before alluded to, that many of the members of the House of Burgesses had, at their own expense, sent copies of the resolution to their respective counties, with the request that the fast day be strictly observed.<sup>12</sup> Jefferson, in after years, in writing of the observance of the day, says: "we returned home, and in our several ~~several~~ counties invited the clergy to meet assemblies of the people on June 1, to perform the ceremonies of the day; and to address to them discourses suitable to the occasion. The people met generally, with anxiety and alarm in their countenances, and the effect of the day, through the whole colony, was like a shock of electricity, arousing every man and placing him erect and solidly on his centre."<sup>13</sup>

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<sup>10</sup> Journals of the House of Burgesses, 1773-1776, p.  
Force, American Archives, 4th Series, vol. i, p. 350.

<sup>11</sup> Force, American Archives, 4th. Series, vol. i, 352, note.

<sup>12</sup> Letter from George Mason to Martin Cockburn, Henry's Henry, i, 127.

<sup>13</sup> Jefferson's Memoir,





Concerning recent happenings in the colony, Colonel Landon Carter, on June 3rd, 1774, made the following record in his diary, which gives an interesting contemporaneous account of the events connected with the forming of the Association:

"Great alarm in the country. The Parliament of England have declared war against the town of Boston & rather worse, for they have attacked & blockaded the harbor with 3 line of Battleships & 6 others and landed 8 regiments there to subdue them to submit to their ~~taxation~~ taxation; as this is but a Prelude to destroy the Liberties of America the other colonies could look on the affair but as dangerous also. Our Assembly made a resolve<sup>(d)</sup> to keep the 1st of June as a day of fasting and humiliation that God would be pleased to impress his majesty and the Parliament with wisdom, moderation and justice to remove from the loyal People of America all cause of danger from such measures as are Pregnant with their ruin; this vote passed the 24th May.

"The next day his super<sup>do</sup> excellency [Lord Dunmore] called a Council to advise <sup>do</sup> what to do & I suppose shewd some instructions immediately to dissolve, if they entered into any resolves on what Parliament had done. It seems the Council proposed to send a message up to the H[ouse] to rescind that vote; but his Lordship opposed it as giving time for such other resolves which really were ready, as I imagine the College member [John Randolph] had treacherously informed him, as he might have heard something about it being a member.

"The council were 3 times asked their advice to dissolve,



but 3 times observed profound silence; and as men of pleasure know that silence implies consent. The 16th he had them called to him, and told them he had the paper which contained their resolve~~y~~ in his hand, and he tho't it so highly derogatory to the honour of his Majesty and the Parliament that it made it necessary for him to dissolve them and accordingly they were dissolved.

"This paper for a fast being published, every member sent a copy to the clergy of his county; accordingly our rector it seems appointed a meeting in his lower church on the 1st of this month the day when the Parliament war ag't the town of Boston began; and it is said did very pathetically exhort the people in his sermon to support their liberties, concluding with the resolve for the fast & in room of God save the King! he cried out God preserve <sup>all</sup> the just rights and liberties of America.

"An association was entered into on the 27 by 69 [This should have been 89] burgesses ag't all India goods whatever, but salt pepper & spice - and a resolution to meet again Aug 1st. to resolve further ag't the use of any kind of Commerce with G.B. I shall be hearty in it, and wish others may be so.

"It certainly deserves notice that it is the very first time the praying that his Majesty and his Parliament may be inspired from above with Wisdom, Justice and Moderation was ever thought derogatory to the honour of either of them especially in an established church, whose Liturgy pronoses collects for that very purpose and in words almost tantamount. I think the Gazettees should have published the resolves for a fast to show the reason



for the dissolution." 14

The movement for local committees of correspondence in Virginia seems to have been limited to a small number of towns and counties. During the year 1774, prior to August of that year, when the first Virginia Convention met at Williamsburg, only a few committees of correspondence seem to have been appointed; and these do not seem to have shown any special activity. Here again seems to be a good indication that the committee of correspondence idea, as utilized by the Virginia House of Burgesses for the purposes of intercolonial communication, in March, 1773, was not an adoption of the local committee system that Samuel Adams had set on foot in <sup>the</sup> Massachusetts towns: for had the system been borrowed from Massachusetts, or copied from the town committees of that colony, it is nearly certain that the local committees would have played a more prominent part in the colony of Virginia.

There is little doubt that the few town committees of correspondence appointed in Virginia, during May and June of 1774, were suggested by the correspondence of similar committees in the Northern and Middle colonies; for they were appointed immediately upon the receipt of letters giving news of the passage of the Boston Port Bill, and of the action of the inhabitants of Boston, Philadelphia, and Baltimore in opposing this measure. In Virginia there seems to have been little need for such committees, for the sentiment of the colony, thanks to the work of Patrick

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14 Diary of Colonel Landon Carter, in William and Mary College Quarterly, vol. xiv, pp. 184, 185. Colonel <sup>Carter</sup> was a native of Lancaster county, "one of the largest planters in Virginia."



Henry<sup>15</sup> and the group of leaders in the House of Burgesses, who since the passage of the resolutions against the Stamp Act, had been allied with him, was so <sup>nearly</sup> unanimous that there was no need for such work as had been carried on in Massachusetts by the local committees of correspondence, under the guidance and direction of Samuel Adams. Save for the fact that they had as their basal idea, correspondence, there does not seem to have been any connection between the Massachusetts local committees of correspondence and the intercolonial committees of correspondence of 1773. As has been shown in a previous chapter, the intercolonial committee of correspondence seems to have been derived from the committee of correspondence, appointed to communicate with the colonial agent; and it is not unlikely that the town committees of Massachusetts were the narrowing down of this same idea to meet the needs of local organization.

On May 26th, 1774, letters were received in Alexandria, containing news of the passage of the Boston Port Bill, and along with this news copies of the resolutions of Boston, Philadelphia, Annapolis, and Baltimore, which had been sent by the committees of correspondence in these cities.<sup>16</sup> The people of Alexandria, "conformable to the example set us by the Gentlemen of Baltimore," as their committee stated in a letter to the Virginia committee of correspondence, called a meeting of the inhabitants, and appointed "a committee to correspond with the neighboring Towns, for the purpose of communicating to each other in the most

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<sup>15</sup> Henry, William Wirt, Patrick Henry, v. quoting from a statement of Jefferson regarding Henry's part in the Revolutionary movement in Virginia, the author says: "Mr. Jefferson, looking back in after years, did not hesitate to attribute the unanimity in Virginia during the struggle on which she was now entered, to Mr. Henry, saying: "It was to him that we were indebted for the unanimity that prevailed among us."

<sup>16</sup> Calendar of State Papers, Virginia, viii, pp. 45, 46, 47, 48, 49, 50, 51, 52.





speedy manner, their sentiments on the present interesting and alarming situation of America."<sup>17</sup> Although the Alexandria committee expressed the heartiest sympathy for the inhabitants of Boston, whom they deemed to be suffering in the common cause, they declined to enter into any resolutions until the sense of the House of Burgesses could be determined. Of the fact that their representatives would support any plans for safeguarding American liberties, they were assured by the action of the legislature in the past that the "spirit which has distinguished Virginia as the intrepid Guardian of American liberty, will again shine forth in all its former lustre." In commenting on the spirit shown in the resolutions from Annapolis, which they applauded and admired, the committee wrote "we cannot ~~help~~ help thinking that the determinations of the Inhabitants of Virginia, when authenticated by the resolutions of their Assembly, will be more decisive than any partial and local resolves."<sup>18</sup> However, as has been shown, the action of Lord Dunmore forced the representatives to dissolve their assembly, as soon as the resolutions for a fast had been published.

On Monday, May 30th, at the meeting of such of the representatives as could be notified of the receipt of the resolutions of Boston, Philadelphia, Baltimore, and Annapolis, it was resolved that letters be ~~written~~ written to all of the colonies, "acknowledging the receipt of the letters and Resolves from Boston, &c, informing them that before the same came to hand, the Virginia Assembly had been unexpectedly dissolved, and most of the members returned to their respective counties. That it ~~is~~ is the opinion of all the late House of Burgesses who could be convened on the pres-

<sup>17</sup> Calendar of State Papers, vol. viii, pp. 51, 52.

<sup>18</sup> *Ibid.*, 52.



ent occasion, that the colony of Virginia will concur with the other Colonies in such measures as shall be judged most effectual for the preservation of the common Rights and Liberty of British America; that they are of opinion particularly that an association against Importations will probably be entered into as soon as the late Representatives can be collected, and perhaps against Exports also after a certain time; But that this must not be considered an engagement on the part of this colony, which it would be presumptuous in us to enter into, and that we are sending Dispatches to call together the late Representatives to meet at Williamsburg on the first day of August next, to conclude finally on these important Questions."<sup>19</sup>

Here one cannot help being struck with the truly representative character of the Virginia House of Burgesses, it would be only when their members were assembled, after due notice, that their action must be looked upon as official action, and held as binding the colony. Whatever they might suggest must be first ratified by the representatives of the counties, before the people of the counties might be committed to any course of action. In notifying the duly-elected burgesses to meet as a Convention, the people who had elected these burgesses felt themselves bound by their action. Save in that they were not summoned by the governor, the Virginia conventions could in no sense be termed revolutionary bodies.

The example of Alexandria in appointing a committee of correspondence, was followed on May 31st, by the inhabitants of the town of Dumfries, in Prince William county, who appointed a committee of correspondence, and called a meeting of the inhabitants of the county, to be held at the court house on June 6th. <sup>20</sup> Fredericksburg appointed a similar committee

<sup>19</sup> Ibid, pp. 51, 52; *Letter from Dumfries to Baltimore June 6, 1774* Bancroft & Transcripts  
<sup>20</sup> ~~Ibid, pp. 53, 54.~~ *The Official Correspondence of W. C. Virginia, 1774*  
*Mass. Doc. Lib., of Congress.*  
*Calendar of State Papers, viii, 53, 54*



on June 1st; but neither the committee of Dumfries nor that of Fredericksburg, appears to have been very active, or to have carried on very extensive correspondence.<sup>21</sup>

The committee of correspondence of Norfolk and Portsmouth seems to have been more active than any of the above noted town committees, but its correspondence appears to have been rather intercolonial than confined to the colony itself.<sup>22</sup> However the work of none of these town committees of Virginia seems to have been very important, if one can judge by the correspondence that has been preserved. It was in the ~~XXXXXX~~ enforcement of the orders of the first Continental Congresses that the Virginia local committees were destined to do their best work.

During the month of June 1774, of the counties <sup>in which they were</sup> that ~~had~~ meetings of the inhabitants, the records of seven <sup>of these meetings</sup> ~~of these meetings~~ have been ~~examined~~ examined in the preparation of this study. The meeting of the inhabitants of Prince William county was held at the county court house on June 6th, and it was resolved: That no person ought to be taxed without his consent, "expressed either by himself or his Representatives; and ~~that~~ that, therefore, any Act of Parliament levying a tax to be collected in America, depriving the people of their property, or prohibiting them from trading with one another, is subversive of our natural rights, and contrary to the first principles of the Constitution." It was also resolved that the city of Boston was suffering in the common cause of American liberty; that the imports and exports of the colony of Virginia should be stopped, and that no trade should be carried on with any colonies or islands of North America, that should not accede to such

<sup>21</sup> Ibid, pp. 54, 55; Force American Archives, 4th Series, i, 373, 374.

<sup>22</sup> Force, American Archives, 4th Series, i, 370, 371, 372.



an agreement, pending the repeal of the Act imposing<sup>a</sup> duty upon tea; that the courts of justice of the colony ought to decline trying any civil causes until the repeal of the objectionable acts; that the clerk of the committee of correspondence that had been appointed by the town of Dunfries should transmit copies of the resolutions to the printers of Annapolis and Philadelphia, for publication in the Gazettes. But of the resolutions of this meeting, the most interesting was as follows:

" Resolved, That as our late Representatives have not fallen upon means sufficiently efficacious to secure to us the enjoyment of our civil rights and liberties, that it is the undoubted privilege of each respective county, (as the fountain of power from whence their delegation arises,) to take such proper and salutary measures as will essentially conduce to a repeal of those Acts, which the general sense of mankind, and the greatest characters in the nation, have pronounced to be unjust." <sup>23</sup> Here one sees a reflection of the current thought in the Virginia counties, that the representatives had certain powers, which were delegated to them by the people; and that in extraordinary cases the people had the right, as the source of these delegated powers, to assume them and act for themselves.

Two days later, on June 8th, there was a large meeting of the freeholders and other inhabitants of the county of Frederick. This meeting was held in Winchester, and was adjourned to the church, the court house being too small to hold the people assembled. Reverend Charles M. Thruston, the moderator of the meeting, and six other gentlemen,

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<sup>23</sup> Force, American Archives, 4th. Series, vol.1, 388.





were appointed as a committee to draw up resolutions suitable for the occasion. These resolutions, ~~xxx~~ eight in number, were unanimously adopted by the meeting. After declaring allegiance to George the Third, the rightful sovereign of the British Dominions, the resolutions ~~xxxx~~

That ~~xxxx~~: British subjects have the inherent right to be taxed only by representatives chosen by themselves; and that every act of the British Parliament, respecting the internal policy of North America, was a daring and unconstitutional invasion of these rights and privileges; that the Boston Port Bill was repugnant to the fundamental law of natural justice, in that it condemned persons for a supposed crime unheard, and also a despotic ~~exercise~~ exertion of unconstitutional power, calculated to enslave a free and loyal people: that the enforcing of this act of Parliament by a military power, would bring on civil war, thereby dissolving the union that had so long happily subsisted between the mother country and her colonies; "and that we will most heartily and unanimously concur with our suffering brethren of Boston, and every other part of North America, that may be the immediate victims of tyranny, in promoting all proper measures to avert such dreadful calamities, to procure a redress of our grievances, and to secure our common liberties." The resolutions recommended a non-importation and non-exportation agreement; blacklisted the commodities of the East India Company; and suggested "that Committees ought to be appointed for the purpose of effecting a general Association, that the same measures may be pursued through the whole Continent. That the Committees ought to correspond with each other, and to meet at such places and times as shall be agreed on, in order to form such General Association, and that when the same shall be formed and agreed <sup>on</sup> ~~to~~ by the several



Committees, we will strictly adhere thereto; and till the general sense of the Continent shall be known, we do pledge ourselves to each other and our country, that we will inviolably adhere to the votes of this day." Six members were appointed a committee for the purposes before mentioned; and any three of them were empowered to act as a committee.<sup>24</sup>

This seems to have been the origin of <sup>the</sup> committees appointed in August, 1774, by the Virginia Convention. The seventh article of the Association, adopted by the Convention on August 4th, provided for a committee in each county, whose function should be a dual one:- to take care that the association should be duly observed, and to correspond occasionally with the general committee of correspondence at Williamsburg.<sup>25</sup> The Association, formed in October, 1774, by the first Continental Congress, in clause eleven, suggested the appointment of committees in every county, city, and town, whose duty it should be to see to the due observance of the articles of the Association. The language of this association, and the subject matters, with which it deals seem to indicate that it was the Virginia Association, of August, 1774, broadened to apply to the whole country. It certainly was affected by the Virginia Association, and the provision for a committee in each community to see to the due observance of the articles of the Association, seem to have been adopted from the Virginia agreement. The fact that Richard Henry Lee was a member of the committee of Congress, by which the Continental Association was drafted, would argue strongly for the influence of the Virginia Association in the adoption of a very similar measure for the twelve colonies.<sup>26</sup>

<sup>24</sup> Force, American Archives, 4th. Series, i, 392, 393, and note. Frederick county (Va.) Resolutions.

<sup>25</sup> Ibid, i, 608. Proceedings of the Virginia Convention, August, 1774.

<sup>26</sup> Journals of the Continental Congress, 1774, W.C.Ford, vol. i, 53, 79.



On June, 16th, 1774, the freeholders and other inhabitants of Dunmore county, met at the town of Woodstock, ~~VA~~ and adopted resolutions that seem to have been nearly an exact copy of the resolutions adopted one week earlier by the citizens of Frederick county. Indeed, except for changes of names in the committee appointed, the action of the meeting and the wording of the resolutions seem to have been identical. The moderator of the Dunmore county meeting was another preacher, Reverend Peter Muhlenburg. Whether Thurston, who presided over the Frederick meeting, or Muhlenburg, who occupied the chair in the meeting of the citizens of Dunmore, was the author of these resolutions the writer has been unable to determine. As ministers in neighboring counties, it is possible that they may have agreed on resolutions to submit to the people of their respective counties; however, as the Frederick resolutions were adopted first, it is possible that the citizens of Dunmore adopted the resolutions <sup>of their neighbors</sup> as embodying <sup>their own</sup> views.<sup>27</sup>

No committees seem to have been appointed in any of the other counties of the colony of Virginia until after the adoption of the Virginia Association, in August; but there were meetings of the inhabitants of twenty-seven counties during the remainder of June and in July, whose records have been available in the preparation of this study. While it will be impossible to print the minutes of these meetings in full, or to analyse the resolutions of each, in the space of this study, the writer will endeavor to pick out from this mass of material, those points that are of especial interest to the student of revolutionary events.

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<sup>27</sup> Force, American Archives, 4th. Series, vol. 1, 417, 418.



Counties in which such leaders as Patrick Henry, Richard Henry Lee, George Mason, Thomas Jefferson, Robert Carter Nicholas, George Washington, Richard Bland, Edmund Pendleton, and Dudley Digges, resided will be examined with care; for the opinions of such community leaders went far towards shaping public sentiment in their respective counties and many of their views found expression in the resolutions adopted by their constituents.

The proceedings of the freeholders and other inhabitants of the county of Westmoreland are interesting, and should be carefully examined. Richard Henry Lee was a resident of this county, and for a number of years had been one of its representatives in the House of Burgesses; and his prominence in the affairs of the colony and in the early Continental Congresses makes any resolutions in whose passing he had a part well worth one's study. The resolutions were adopted after several papers, "containing the Proceedings of the late House of Burgesses of this Colony, and the subsequent determinations of the late Representatives after the House was dissolved, together with extracts of several Resolves of the Provinces of Massachusetts Bay, Maryland, &c.," had been read and the situation duly considered by the meeting. Of these resolutions there were eleven, the first two being taken up with a consideration of taxation, and declaring: 1st. "That





to be taxed solely in our Provincial Assemblies, by Representatives freely chosen by the people, is a right that British subjects in America are entitled to, from natural justice, from the English Constitution, from Charters, and from a confirmation of these by usage, since the first establishment of these Colonies." And. "That an endeavour to force submission from one Colony to the payment of taxes not so imposed, is a dangerous attack on the liberty and property of British ~~subjects~~ America, and renders it indispensably necessary that all should firmly unite to resist the common danger."

The third resolution declared that the citizens of Boston are suffering in the common cause of North America, and the fourth, fifth, and sixth resolutions outlined a plan for non-importation and non-exportation agreements, to be entered into and kept in force till the acts against Boston should be repealed. The seventh resolution declared against the use of ~~the~~ the commodities of the East India Company, except saltpetre: and the eighth, declared against infringements of the non-importation and non-exportation agreement of the fourth, fifth, and sixth resolves, "subject however to such future alterations as shall be judged expedient, at a general meeting of Deputies from the several parts of this Colony, or a general Congress of all ~~the~~ the Colonies." Richard Henry Lee and Richard Lee, the late representatives of the county, were named in the ninth resolution, as deputies to attend the general meeting in August: and the tenth resolution urged them to be present in Williamsburg on August 1st, "as it may happen that the Assembly now called to meet on the 11th of August, may be prorogued to a future day, and many of the Deputies appointed to meet on the 1st of August, trusting to the certainty of meeting in Assembly on the 11th,



may fail to attend on the first, by which means decisive injury may arise to the common cause of liberty, by the general sense of the country not being early known at this dangerous crisis of American freedom, we do, therefore, direct that our Deputies now chosen fail not to attend at Williamsburg, on the said 1st of August; and it is our earnest wish that the Deputies from the other counties be directed to do the same, for the reasons above assigned." The prorogations and dissolutions of ~~the~~ the assembly, by Lord Dunmore, had already become so notorious through the colony, that the citizens of Westmoreland, wished to safeguard the colony against being deprived of the deliberations of the colonial legislature. The last resolve provided for the publication of the proceedings of the meeting, by ordering the clerk to send them to the printers, and request their publication without delay.<sup>24</sup>

The resolutions, adopted unanimously by the inhabitants of Prince George county, on June 30th, (?) are of interest because of the clear statements therein on the subject of colonial taxation. Richard Bland, one of the clearest thinkers in the colony, was a burgess from this county, and from the style of the resolutions, it is probable that he had a large part in their preparation. The fact that he was one of the leaders in the House of Burgesses, a member of the intercolonial committee of correspondence, and afterwards a member of the first Continental Congress, makes any set of resolutions from his county of great importance. As regarded colonial taxation, the resolutions declared: "That the right to impose taxes or duties to be paid by the inhabitants within this Dominion, for any purpose whatsoever, is peculiar and essential to the General Assembly, in whom the Legislative authority of the Colony

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<sup>24</sup> Force, American Archives, 4th. Series, vol. 1, 437, 438. Westmoreland county, Virginia, Resolutions.



is vested." "That every attempt to impose such taxes or duties, by any other authority, is an arbitrary exertion of power, and an infringement of the constitutional rights and liberties of the Colony." "That to impose a tax or duty upon tea by the British Parliament, in which the Commons of the North American Colonies can have no representation, to be paid upon importation by the inhabitants of the said Colonies, is an act of power without right; is subversive of the liberties of the said Colonies; deprives them of their property without their own consent; and thereby reduces them to a state of slavery. These resolutions, moreover, declare strongly against the importation of African slaves, on the grounds that it "is injurious to this Colony, obstructs the population of it by freemen, prevents manufacturers and other useful emigrants from Europe from settling amongst us, and occasions an annual increase in the balance of trade against this Colony. The dissolution of the General Assembly, by order of the British Ministry, whenever that body of legislators entered "upon the consideration of the rights and liberty of the subject ~~against~~ against attempts to destroy them," the resolves brand "as "evidence of the fixed intention of the said Ministry to reduce the Colonies to a state of slavery." Therefore, "the people of this Colony, being deprived of a legal representation," were advised to nominate and appoint deputies to attend the meeting, appointed for the first of August; and the late representatives of the county were named to attend this meeting, at which they were instructed to recommend to the Convention, that "they nominate and appoint fit and proper persons, upon the part of this Colony, to meet such Deputies, in a general Congress, as shall be appointed on the part of the other Continental Colonies in America, to consult and agree upon a firm and indissoluble union and association for preserving by the best and most



proper means, their common rights and liberties."<sup>29</sup>

On July 1st, the freeholders of James City county met at the house of Mr. Isham Allen, "in order to consult with their late Representatives<sup>30</sup> what measures were most necessary to ward off the impending evils which seem to threaten all British America, those matters being calmly and maturely entered into," it was resolved: that no article should be imported from Great Britain; that, after such a day as should be appointed by the general meeting to be held in August, all exports to Great Britain should be stopped; that a subscription paper should be circulated among the people of the county "to raise money, corn, wheat, or any other commodity," for the relief of the sufferers at Boston; that the late representatives of the ~~James~~ county be thanked for their past services.<sup>31</sup>

Caroline county, the home of Edmund Pendleton, <sup>wh. was</sup> the protégé of Speaker Robinson, and one of the group of conservatives in the House of Burgesses, held its meeting at the court house on the 14th of July. The statement of the position of the inhabitants of that county is of great interest, for Pendleton, who had long represented them in the House of Burgesses was justly known as a conservative. It is significant to note that the resolves of the county, in which he was the political leader, occupy as advanced a position as do those of any of the other counties. This argues well for the spirit of unity that existed throughout the colony as a whole, in that the position of the people of a county, in which the dominant figure was a man, who had ~~been~~ always been known as a member of the administration party, was not far differ-

<sup>29</sup> Force, American Archives, 4th. Series, vol. 1, 493, 494, 495. Prince George county, Virginia, Resolutions.

<sup>30</sup> These representatives were Robert Carter Nicholas and Lewis Burwell.

<sup>31</sup> Force, American Archives, 4th. Series, 1, 499. Resolutions of James City county, Virginia





ent from that of the counties that were lead by men, who had been always known as radicals. Virginia had nearly reached the parting of the ways, her great conservative, Pendleton, had joined forces with the radicals, Henry, Jefferson, and Lee; and however they might differ as regarded means and methods, they would from this time on be enlisted in the service of their common country. ~~Amherst~~

On taxation and the rights of representation, the Caroline paper is specially strong. Its clear, concise, and careful wording, bears the impress of a master hand. The paper states:

"That for Americans to be exempted from every kind of taxation, except by the consent of their own Representatives in their several Provincial Assemblies, to be heard in their defence when accused of crimes, and tried by their peers, are rights they derive from natural justice, the British Constitution, (to which they are equally entitled with their fellow-subjects in Great Britain,) and from constant usage, so long as the true principles of the Constitution have been suffered to direct the publick councils."

After condemning the several acts of Parliament for imposing a duty upon tea, to be paid in America; for blocking up the harbor and stopping the commerce of Boston, for supposed offences, with which they were charged and condemned unheard; for altering the form of that Government established by Charter and long usage; and for empowering his Majesty to order persons charged with certain offences committed in America to be carried to Great Britain and there tried, - as departures from the true spirit of the Constitution, it is declared "that those Acts, whether intended to operate <sup>only</sup> in one Province, or generally in all, ought



to be considered as the common cause; and that a firm and indissoluble union and association of the whole ought to be formed to oppose their operation by every just and proper means;" to effect which the Caroline deputies were instructed to unite with the other deputies of the colony, in electing delegates to meet with the deputies from the other colonies in a general Congress.

Concerning the legislative rights of the Virginia people, it was declared, that "it is the undoubted privilege and indispensable duty of the Representatives of the people of this Colony, when met in General Assembly, to deliberate freely upon all invasions of the rights, liberties, or properties of their constituents, and consider of the proper means of redress; and therefore, that the interposition of the Executive power here, by mandate from the Ministry to dissolve the Assembly whenever they complain of attempts to destroy those rights, tends to deprive us of all benefit from a Legislature, and is an evidence of the fixed intention of the Ministry to reduce the Colonies to a state of slavery." 32

The inhabitants of the county of York met at the county court house, on July 16th, After an address by Thomas Nelson, Jr., the moderator of the meeting, resolutions were unanimously adopted, appointing Dudley Digges and Thomas Nelson, Jr., the late representatives of the county, as deputies to attend the meeting at Williamsburg, in August: and directing them "to exert their utmost abilities", in the general convention of the Virginia counties, "to put a stop to that growing system of Ministerial despotism which has so long threatened the destruction of America." Part of the resolutions were to serve as instructions to the deputies

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32 Force, American Archives, 4th. Series, i, 540, 541. Caroline county Resolutions.



of York county, "that you, our Delegates, may be made acquainted with the sentiments of the people of this county, it is their opinion that you proceed to choose proper persons to represent the Colony of Virginia in a general Congress of America, to meet at such time and place as may hereafter be agreed on." The sending of these deputies to a meeting in Williamsburg, was justified on the grounds ~~that~~ that, <sup>as</sup> "the Constitutional Assemblies of Virginia have been prevented from exercising their right of providing for the security of the liberties of the people, that right again reverts to the people, as the fountain from which all power and legislation flow; a right coeval with human nature, and which they claim from the eternal and immutable laws of Nature's God." 33

But of all the Virginia county meetings, held prior to the convening of the August Convention, at Williamsburg, none passed resolutions that are of as much interest as those of the county of Fairfax. This meeting was presided over by Washington, and both he and his friend George Mason, served on the committee appointed to prepare the resolutions. These resolutions, twenty-~~five~~<sup>six</sup> in number, were ~~drafted~~<sup>written</sup> by George Mason, who afterwards drafted the famous Virginia Bill of Rights. Of all of the ~~many~~ papers adopted at these county meetings in Virginia, these Fairfax resolutions contained the ablest discussion of the points at issue. Aside from the deep interest that attaches itself to them because of the fact that they contain opinions of Washington and Mason, the style of the paper and the strength of its statement, stamp it as one of the greatest of our revolutionary documents. 34

33 Force, American Archives, 4th. Series, vol. 1, 595, 596, 597. York County Resolutions.

34 Spark's Life of Washington, i, pp. 114, 116. "In Fairfax County. Washington presided ~~as~~ as chairman of the meetings, and was



Because these Fairfax resolves constitute ~~one of~~ the very best statements of the principles involved in the dispute between Great Britain and her colonies, no story of the development of revolutionary sentiment in the colony of Virginia, would be complete without them.

~~Because~~ In simple dignity of language, conciseness of statement, and unity of thought, they can hardly be improved upon, <sup>and</sup> they are here given with a few comments, interpolated in the body of the resolutions. It would be presumptuous to attempt to improve this document by transposing its language. The first five resolutions show the relationship existing between the colonies and the mother country, and state the rights duties of each:

"Resolved, That this Colony and Dominion of Virginia cannot be considered as a conquered country, and, if it was, that the present inhabitants are the descendants, not of the conquered, but of the conquerors. That the same was not settled at the national expence of England, but at the private expence of the adventurers, our ancestors, by solemn compact with, and under the auspices and protection of, the British Crown, upon which we are, in every respect as dependant as the people of Great Britain, and in the same manner subject to all his Majesty's just, legal, and constitutional prerogatives; that our ancestors, when they left their native land, and settled in America, brought with them, even if the same had not been confirmed by Charters, the civil Constitution and form of Government of the country they came from, and were by the laws of nature and Nations entitled to all its privileges, immunities, and advantages, which have descended to us, their posterity, and ought of right to be as fully enjoyed as if we had still continued within the Realm of England.

"Resolved, That the most important and valuable part of the British Constitution, upon which its very existence depends, is

one of a committee to prepare a series of resolves expressive of the sense of the people. The resolves themselves, twenty-four in all, were drafted by George Mason; and they constitute one of the ablest and most luminous expositions of the points at issue between Great Britain and the colonies, which are to be found among the public documents of that period. Embracing the great principles and facts, clothed in a nervous and appropriate style, they are equally marked with dignity, firmness, intelligence, and wisdom. They are moreover of special interest as containing the opinions of Washington at a critical time, when he was soon to be raised by his countrymen to a station of the highest trust and responsibility."





the fundamental principle of the people's being governed by no laws to which they have not given their consent by Representatives freely chosen by themselves, who are affected by the laws they enact equally with their constituents, to whom they are accountable, and whose ~~burdens~~ burthens they share, in which consists the safety and happiness of the community; for if this part of the Constitution was taken away, or materially altered, the Government must degenerate either into an absolute and despotick monarchy, or a tyrannical aristocracy, and the freedom of the people be ~~and~~ annihilated.

"Resolved, Therefore, as the inhabitants of the American Colonies are not, and from their situation, cannot be represented in the British Parliament, that the Legislative power here can, of right, be exercised only by our Provincial Assemblies, or Parliaments, subject to the assent or negative of the British Crown, to be declared within some proper limited time; but as it was thought just and reasonable that the people of Great Britain should reap advantages from the Colonies adequate to the protection they afforded them, the British Parliament have claimed and exercised the power of regulating our trade and commerce, so as to restrain our importing from foreign countries such articles as they could furnish us with, of their own growth and manufacture, or exporting to foreign countries such articles and portions of our produce as Great Britain stood in need of, for her own consumption or manufacture. Such a power directed with wisdom and moderation seems necessary for the general good of that great body politick of which we are a part, although in some degree repugnant to the principles of the Constitution. Under this idea, our ancestors submitted to it, the experience of more than a century, during the government of his Majesty's royal predecessors, have proved its utility, and the reciprocal benefits flowing from it produced mutual uninterrupted harmony and good will between the inhabitants of Great Britain and her Colonies, who during that long period always considered themselves as one and the same people; and though such a power is capable of abuse, and in some instances hath been stretched beyond the original design and institution, yet to avoid strife and contention with our fellow-subjects, and strongly impressed with the experience of mutual benefits, we always cheerfully acquiesced in it, while the entire regulation of our internal policy, and giving and granting our own money, were preserved to our Provincial Legislatures.

"Resolved, That it is the duty of these Colonies, on all emergencies, to contribute in proportion to their abilities, situation, and circumstances, to the necessary charge of supporting and defending the British Empire, of which they are a part; that while we are treated upon an equal footing with our fellow-subjects, the motives of self-interest and preservation will be a sufficient obligation, as was evident through the course of the last war; and that no argument can be fairly applied to the British Parliament's taxing us, upon a presumption that we should refuse a just and reasonable contribution, but will equally operate in justification of the Executive power taxing the people of England, upon a supposition of their Representatives refusing to grant the necessary supplies.

"Resolved, That the claim lately assumed and exercised by the British Parliament for making all such laws as they think fit to govern the people of these Colonies, and to extort from us our money without our consent, is not only diametrically contrary to the first principles of the Constitution and the original contracts by which we



are dependent upon the British Crown and Government, but it is totally incompatible with the privileges of a free people and the natural rights of mankind, will render our own Legislatures merely nominal and nugatory, and is calculated to reduce us from a state of freedom and happiness to slavery and misery."

The sixth and seventh resolutions show that taxation and representation are inseparable, and that Parliament could not exercise a legislative power over the colonies without grave injustice to the people of America:

"Resolved, That taxation and representation are in their nature inseparable; that the right of withholding, or of giving and granting their own money, is the only effectual security to a free people against the encroachments of despotism and tyranny; and that whenever they yield the one, they must quickly fall a prey to the other."

"Resolved, That the powers over the people of America, now claimed by the British House of Commons, in whose election we have no ~~share~~ share; in whose determinations we have no influence; whose information must be always defective, and often false; ~~and~~ who in many instances may have a separate, and in some an opposite interest to ours; and who are removed from those impressions of tenderness and compassion, arising from personal intercourse and connection, which soften the rigours of the most despotick Governments, must, if continued, establish the most grievous and intolerable species of tyranny and oppression that ever was inflicted upon mankind."

In the eighth and ninth resolutions, it is declared that the colonies had no wish to sever their connection with the British Empire; and the arbitrary action of Parliament is condemned as a policy that would end in the ruin of both mother country and colonies:

"Resolved, That it is our greatest wish and inclination, as well as interest, to continue our connection with, and dependence upon, the British Government; but though we are its subjects, we will use every means which Heaven hath given us to prevent us becoming its slaves."

"Resolved, That there is a premeditated design and system formed and pursued by the British Ministry to introduce an arbitrary Government into his Majesty's American Dominions, to which end they are artfully prejudicing our Sovereign and inflaming the minds of our fellow-subjects in Great Britain, by propagating the most malevolent falsehoods, particularly that there is an intention in the American Colonies to set up for independent states, endeavouring at the same time, by various acts of violence and oppression, by sudden and repeated dissolutions of our Assemblies, whenever they presume to examine the illegality of Ministerial mandates, or deliberate on the violated rights of their constituents, and by breaking in upon the American Charters, to reduce us to a state of desperation, and dissolve the



original compact, by which our ancestors bound themselves and their posterity to remain dependent upon the British Crown; which measures, unless effectually counteracted, will end in the ruin, both of Great Britain and her Colonies."

The tenth resolve recites the various parliamentary encroachments; states the fact that Boston, as a sufferer in the common American cause, should be supported by the other colonies; and suggests that subscriptions for the poor of that city should be raised in every county of Virginia:

"Resolved, That the several Acts of Parliament for raising a revenue upon the people of America, without their consent; the erecting new and dangerous jurisdictions here; the taking away our trials by jury; the ordering persons upon criminal accusations, to be tried in another country than that in which the fact is charged to have been committed; the Act inflicting Ministerial vengeance upon the town of Boston; and the two Bills lately brought into Parliament for abrogating the Charter of the Province of Massachusetts Bay, and for the protection and encouragement of murderers in the said Province, are part of the above-mentioned iniquitous system; that the inhabitants of the town of Boston are now suffering in the common cause of all British America, and are justly entitled to its support and assistance; and, therefore, that a subscription ought immediately to be opened, and proper persons appointed, in every county in this Colony, to purchase provisions and consign them to some gentlemen of character in Boston, to be distributed among the poorer sort of the people there."

That there was some doubt in Virginia of the legality or wisdom of the destruction of the tea by <sup>the</sup> Boston "tea party", is evidenced in the eleventh resolve, as well as in the resolutions passed in several of the other Virginia counties. The <sup>35</sup> Suffolk resolves offered to contribute to a sum to pay for the tea destroyed, if that action were looked upon as an invasion of private property; but it condemned the British East India Company for becoming a tool in the hands of the Ministry, and suggested a blacklisting of that corporation by the American consumer:

"Resolved, That we will cordially join with our friends and brethren of this and the other Colonies, in such measures as shall be judged most effectual, for procuring a redress of our grievances;

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<sup>35</sup> See the resolutions of Middlesex county, Dinwiddie county, and Hanover county in Force, American Archives, 4th. Series, i. 551, 552, 553, 616.





and, that upon obtaining such redress, if the destruction of the tea at Boston be regarded as an invasion of private property, we shall be willing to contribute towards paying the East India Company the value; but, as we consider the said Company as the tools and ~~instruments~~ instruments of oppression in the hands of Government, and the cause of the present distress, it is the opinion of this meeting, that the people of these Colonies should forbear all further dealings with them by refusing to purchase their merchandise, until that peace, safety, and good ~~order~~ order, which they have disturbed, be perfectly restored; and that all tea now in this Colony, or which shall be imported into it, shipped before the first day of September next, should be deposited in some store-house, to be appointed by the respective Committees of each county, until a sufficient sum of money be raised, by subscription, to reimburse the owners the value, and then to be publicly burnt and destroyed; and if the same is not paid for and destroyed as aforesaid, that it remain in the custody of the said Committees, at the risk of the owners, until the Act of Parliament imposing a duty upon tea for raising a revenue in America, be repealed; and immediately afterwards be delivered unto the several proprietors thereof, their agents or attorneys."

Resolutions twelve, thirteen, and fourteen, relate to the calling of a Continental Congress, and the perfecting of a union between the colonies; expressing the gratitude of the colonies to the friends of liberty in Great Britain; and to promoting frugal living, and encouraging manufactures and industry in the colonies:

"Resolved, That nothing will so much contribute to defeat the pernicious designs of the common enemies of Great Britain and her Colonies, as a firm union of the latter, who ought to regard every act of violence or oppression inflicted upon any one of them, as aimed at all; and to effect this desirable purpose, that a Congress should be appointed, to consist of Deputies from all the Colonies, to concert a general and uniform plan for defence and preservation of our common rights, and continuing the connection and dependence of the said Colonies upon Great Britain, under a just, lenient, permanent, and constitutional form ~~of~~ of Government."

"Resolved, That our most sincere and cordial thanks be given to the patrons and friends of liberty in Great Britain, for their spirited and patriotic conduct in support of our constitutional rights and privileges, and their generous efforts to prevent the present distress and calamity of America."

"Resolved, That every little jarring interest and dispute which hath ever happened between these Colonies, should be hurried in ~~to~~ eternal oblivion; that all manner of luxury and extravagance ought immediately to be laid aside, as totally inconsistent with the threatening and gloomy prospect before us; that it is the indispensable duty of all <sup>the</sup> gentlemen and men of fortunes to set examples of temperance, fortitude, frugality, and industry, and give every encouragement in their power, particularly by subscriptions and opinions, to the ~~the~~ improvement of arts and manufactures in America; that great care and attention should be had to the cultivation of flax, cotton, and other materials for manufactures; and we recommend it to such of the inhab-





staple  
 Meris as have large ~~stocks~~ of shear, to sell to their neighbours at a moderate price, as the most certain means of speedily improving ~~the~~ breed of shear and quantity of wool."

The fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, and twenty-first resolutions suggest a scheme of non-importation from Great Britain after the first day of September, 1774, with methods for enforcing same; and a non-exportation policy to go into effect November 1st, 1775, if the American grievances should not be redressed by that time:

"Resolved, That until American grievances be redressed, by restoration of our just rights and privileges, no goods or merchandise whatsoever ought to be imported into this Colony, which shall be shipped from Great Britain or Ireland, after the first day of September next, except linens not exceeding fifteen pence per yard, coarse wollen cloth, not exceeding two shillings sterling per yard; nails, wire, and wire cards, needles and pins, paper, saltpetre, and medicines, which may be imported until the first day of September, 1776; and if any goods or merchandise, other than those hereby excepted, should be shipped from Great Britain after the time aforesaid, to this Colony, that the same, immediately upon their arrival, should either be sent back again by the owners, their agents or attorneys, or stored and deposited in some warehouse, to be appointed by the Committee for each respective county, and there kept at the risk and charge of the owners, to be delivered to them when a free importation of goods hither shall again take place; and that the merchants and venders of goods and merchandise within this Colony ought not to take advantage of our present distress, but continue to sell the goods and merchandise which they now have, or which may be shipped to them before the first day of September next, at the same rates and prices they have been accustomed to do within one year last past; and if any person shall sell such goods on any other ~~more~~ terms than above expressed, that no inhabitant of this Colony should, at any time forever thereafter, deal with him, his agent, factor, or storekeeper, for any commodity whatsoever.

"Resolved, That it is the opinion of this meeting, that the merchants and venders of goods and merchandise within this Colony should take oath not to sell or dispose of any goods or merchandise whatsoever which may be shipped from Great Britain after the first day of September next, as aforesaid, except the articles before excepted; and that they will, upon the receipt of such prohibited goods, either send the same back again by the first opportunity, or deliver them to the Committees of the respective counties, to be deposited in some warehouse, at the risk and charge of the owners, until they, their agents, or factors, shall be permitted to take them away by the said Committees; and that the names of those who refuse to take such oath, be advertised by the respective ~~county~~ Committees, in the counties wherein they reside; and to the end that the inhabitants of this Colony may know what merchants and venders of goods and merchandise have



taken such oath, that the respective Committees should grant a certificate thereof to every such person who shall take the same.

"Resolved, That it is the opinion of this meeting, that during our present difficulties and distress, no slaves ought to be imported into any of the British Colonies on this Continent; and we take ~~this~~ this opportunity of declaring our most earnest wishes to see an entire stop put to such a wicked, cruel, and unnatural trade.

"Resolved, That no kind of lumber should be exported from this Colony to the West Indies, until America be restored to her constitutional rights and liberties, if the other Colonies will accede to a like resolution; and that it be recommended to the general Congress to appoint as early a day as possible for stopping such exports.

"Resolved, That it is the opinion of this meeting, if American grievances be not redressed before the first day of November, 1775, that all exports of produce from the several Colonies to Great Britain, should cease; and to carry the said resolution more effectually into execution, that we will not plant or cultivate any tobacco after the crop now growing, provided the same measure shall be adopted by the other Colonies on this Continent, as well as those who have heretofore made tobacco, as those who have not. And it is our opinion, also, if the Congress of Deputies from the several Colonies shall adopt the measure of non-exportation to Great Britain, as the people will thereby be disabled from paying their debts, that no judgments should be rendered by the Courts in the said Colonies, for any debt, after information of the said measures being determined upon.

"Resolved, That it is the opinion of this meeting, that a Solemn Covenant and Association should be entered into by the inhabitants of all the Colonies, upon oath, that they will not, after the time which shall be respectively agreed on at the general Congress, export any manner of lumber to the West Indies; nor any of their produce to Great Britain; or sell or dispose of the same to any person who shall not have entered into the said Covenant and Association; ~~and~~ and also, that they will not ~~import~~ import or receive any goods or merchandise which shall be shipped from Great Britain, after the first day of September next, other than the before enumerated articles; nor buy or purchase any goods, except as before excepted, of any person whatsoever, who shall not have taken the oath herein before recommended to be taken by the merchants and venders of goods; nor buy or purchase any slaves hereafter imported into any part of this Continent, until <sup>importation and</sup> a free importation be again resolved ~~on~~ on by a majority of the Representatives or Deputies of the Colonies; and that the respective Committees of the counties in each Colony, so soon as the Covenant and Association becomes general, publish by advertisements in their several counties, a list of the names of those, (if any such there be) who will not accede thereto, that such traitors to their country may be publickly known and detested.

"Resolved, That it is the opinion of this meeting, that this and the other associating Colonies should break off all trade, intercourse, and dealings, with that Colony, Province, or town, which shall decline or refuse to agree to the plan which shall be adopted by the general Congress.

The twenty-second and twenty-third resolves provided that the associating colonies should be bound to adhere to such measures as should be concerted by the general Congress: and recommended to the deputies



of the general Congress the drafting of a petition and remonstrance to be transmitted to the King:

"Resolved, That should the town of Boston be forced to submit to the late cruel and oppressive measures of Government, that we shall not hold the same to be binding upon us, but will, notwithstanding, religiously maintain, and inviolably adhere to, such measures as shall be concerted by the general Congress, for the preservation of our lives, liberties, and fortunes.

"Resolved, That it be recommended to the Deputies of the general Congress, to draw up and transmit an humble and dutiful Petition and Remonstrance to his Majesty, asserting in decent firmness our just and constitutional rights and privileges, lamenting the fatal necessity of being compelled to enter into measures disgusting to his Majesty and his Parliament, or injurious to our fellow-subjects in Great Britain; declaring, in the strongest terms, our duty and affection to his Majesty's person, family, and Government, and our dependence upon Great Britain; and most humbly conjuring and beseeching his Majesty not to reduce his faithful subjects of America to a state of desperation, and to reflect, that from our Sovereign there can be but one appeal. And it is the opinion of this meeting, that after such Petition and Remonstrance shall have been presented to his Majesty, the same shall be printed in the public papers in all the principal towns in Great Britain."

The remaining resolves authorized George Washington and Charles Broadwater, the lately elected representatives to the House of Burgesses, to attend the Convention, in August, as deputies for the county of Fairfax; appointed a county committee of twenty-five members, with Washington as chairman; and provided for the publication of the proceedings of this meeting in the Gazette.<sup>36</sup>

Two days after the passage of the Fairfax resolutions, there was a meeting of the freeholders of Hanover county, at the court house. At this meeting an address was adopted, consisting of instructions to John Syme and Patrick Henry, Junior, the Burgesses from Hanover, who had been authorized to attend the Williamsburg Convention, as deputies. This paper contains a very clear statement of the Virginia ideas on taxation:

"We are freemen; we have a right to be so, and to enjoy all the

<sup>36</sup> Force, American Archives, 4th. Series, i, 597 to 608. Fairfax County Resolves.





privileges and immunities of our fellow-subjects in England; and while we retain a just sense of that freedom, and those rights and privileges necessary for its safety and security, we shall never give up the right of taxation. Let it suffice to say, once for all, we will never be taxed but by our own Representatives. This is the great badge of freedom, and British America hath been hitherto distinguished by it; and when we see the British Parliament transgressing upon that right, and acting with determined resolution to destroy it, we would wish to see the united wisdom and fortitude of America collected for its defence."

One is not surprised to find the people of a county, whose recognized political leader was the great Patrick Henry, speaking out so clearly on the subject of representation and taxation; for nearly a decade before his resolutions against the stamp tax, had united the colonies in resistance of such taxation, and sounded the key-note of the resistance to Parliamentary encroachment on the realm of local self-government.

As regarded the necessity of union of the American colonies, these Hanover instructions speak out no less clearly:

"The sphere of life in which we move has not afforded us light sufficient to determine with certainty concerning those things from which the troubles at Boston originated. Whether the people there were warranted by justice, when they destroyed the tea, we know not; but this we know, that the Parliament, by their proceedings, have made us and all North America, parties in the present dispute, and deeply interested in the event of it; inasmuch, that if our sister Colony of Massachusetts Bay is enslaved, we cannot long remain free.

"Our minds are filled with anxiety, when we view the friendly regards of our parent state turned into enmity; and those powers of Government formerly exerted for our aid and protection, formed into dangerous efforts for our destruction. We read our intended doom in the Boston Port Bill; in that for altering the mode of trial in criminal cases; and finally, ~~for~~ in the Bill for altering the form of Government in the Massachusetts Bay. These several Acts are replete with injustice and oppression, and strongly expressive of the future policy of Great Britain towards all her Colonies. If a full uncontrolled operation is given to this detestable system, in its earliest stages, it will probably be fixed upon us forever.

"Let it, therefore, be your great object to obtain a speedy repeal of those Acts; and for this purpose we recommend the adoption of such measures as may produce the hearty union of all our countrymen and sister Colonies. ~~Separately~~ United we stand; divided we fall. To attain this wished for union, we declare our readiness to sacrifice any lesser interest arising from soil, climate, situation, or productions, peculiar to us." 37





On July 26th, the freeholders of Albemarle County, assembled "in their collective body, at the county court house; and appointed their Burgesses, Thomas Jefferson and John Walker, deputies to the August Convention. It was resolved by the meeting:

"That the inhabitants of the several States of British America are subject to the laws which they adopted at their first settlement, and to such others as have been since made by their respective Legislatures, duly constituted and appointed with their <sup>own</sup> consent. That no other Legislature whatever can rightfully exercise authority over them; and that these privileges they hold as the common rights of mankind, confirmed by the political Constitutions they have respectively assumed, and also by several Charters of compact from the Crown.

"Resolved, That these their natural and legal rights have in frequent instances been invaded by the Parliament of Great Britain, and particularly that they were so by an Act lately passed to take away the trade of the inhabitants of the town of Boston in the Province of Massachusetts Bay; that all such assumptions of unlawful power are dangerous to the rights of the British Empire in general, and should be considered as its common cause, and that we will ever be ready to join with our fellow-subjects in every part of the same, in executing all those rightful powers which God has given us, for the re-establishing and guarantying such their constitutional rights, when, where, and by whomsoever invaded." 38

At the meeting of the inhabitants of the county and borough of Norfolk, which was held at the court house, on July 6th, it was resolved that the deputies should recommend to the Convention, the formation of an Association "against all importations and exportations (medicines excepted) to and from Great Britain, as the most effectual means to ensure redress; and that the said Association against importations may take place in as short a time as possible after the opening of the said Convention; also that the Association against exportation may take place at so long a day as may give time for the discharge of British debts, leaving it to the discretion of the Convention to fix the day." The Norfolk Burgesses were instructed to recommend Annapolis to the Convention, as

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38 Force, American Archives, 4th. Series, i, 637, 638. Albemarle County Resolutions.



the proper place to be proposed to the other colonies for the meeting of the general Congress, which the Norfolk meeting thought should be as soon as possible after the first of August. In regard to the appointment of local committees in every county, it was resolved:

"That our late Burgesses be hereby instructed to use their endeavours that the Convention may particularly recommend it to the several counties, that large Committees of respectable men, fixed and settled inhabitants of their respective counties, be appointed to guard against, and take every lawful step to prevent, any breach of such agreements or Association as may be adopted." <sup>39</sup>

Besides the resolutions adopted by the counties, a record of whose proceedings we have already examined, the resolutions of several other Virginia counties were consulted in the preparation of this study. <sup>40</sup> The citizens of <sup>t</sup>~~S~~ Pennsylvania adopted resolutions on June 14th, Richmond, June 20th, Culpeper, July 7th, Essex, July 9th, Fauquier, July 9th, Hanseford, July 11th, New Kent, July 14th, Chesterfield and Gloucester, July 14th, Henrico, Middlesex, and Dinwiddie, July 18th, Surrey, July 18th, Stafford, July 20th (?), Elizabeth City, July 28th, Accomack and Princess Anne, July 27th, and Buckingham, July 18th.

The result of these various county meetings, and of the resolutions passed by them, was that on August 1st, 1774, a very full meeting of delegates from the different counties of Virginia, assembled in Williamsburg, where they remained in session for six days. At this Convention, an Association was <sup>unanimously</sup> adopted, which with some changes became the basis for the Association, adopted by the first Continental Congress, on the twentieth of October; ~~the~~ Peyton Randolph, Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, Benjamin Harrison, and Edmund Pendleton, were selected as deputies to represent the colony of Virginia in

<sup>39</sup> Force, American Archives, 4th. Series, i, 518, 519. Norfolk Resolutions.

<sup>40</sup> Force, American Archives, 4th. Series, i, 448, 449, 498, 498, 511, 523, 527, 528, 529, 530, 531, 535, 536, 537, 538, 539, 540, 551, 551, 553, 593, 617, 619, 634, 639, 640, 641, 643, and 644.



the General Congress, at Philadelphia, on the first Monday in September; and instructions for them were drafted and adopted by the Convention.<sup>41</sup>

A close examination of the Association adopted by the Virginia Convention of August, 1774, and a comparison of its articles with the resolutions of the Virginia counties, adopted in June and July of the same year, shows how many of the suggestions of the various counties were embodied in this Association, which was unanimously agreed to by the Virginia representatives. As this Association formed the basis of the Association, adopted by the Continental Congress, on October 10th, 1774; and as it had an important influence on the appointment of 1694 committees, not only in Virginia, but through its influence on the Continental Association, throughout the twelve colonies, an examination of its main provisions will be profitable. The first three articles concern importation:

"1st. We do hereby resolve and declare, that we will not, either directly or indirectly, after the first day of November next, import from Great Britain any goods, wares, or merchandises whatever, medicines excepted; nor will we, after that day, import any British manufactures, either from the West Indies or any other place; nor any article whatever which we shall know, or have reason to believe, was brought into such countries from Great Britain; nor will we purchase any such articles so imported of any person or persons whatsoever, except such as are now in the country, or such as may arrive on or before the first day of November, in consequence of orders already given, and which cannot now be countermanded in time.

"2d. We will neither ourselves import, nor purchase any slave or slaves imported by any other person, after the first day of November next, either from Africa, the West Indies, or any other place.

"3d. Considering the article of tea as the detestable instrument which laid the foundation of the present sufferings of our distressed friends in the town of Boston, we view it with horror; and therefore resolve, that we will not from this day, either import tea of any kind whatever; nor will we use, or suffer even such of it as is now on hand to be used in any of our families." <sup>42</sup>

<sup>41</sup> Force, American Archives, 4th. Series, 1, 686 to 690. Virginia Convention, and Instructions for the Deputies appointed to meet in General Congress on the part of this Colony.

<sup>42</sup> Force, American Archives, 4th. Series, 1, 687.





With minor changes, these three articles became the basis of the first three articles in the Association, adopted by the Continental Congress, a little more than two months later.<sup>43</sup>

Article four, of the Virginia Association, which does not seem to have had a counterpart in the Continental Association, was:

"4th. If the inhabitants of the town of Boston, or any other Colony, should by violence or dire necessity be compelled to pay the East India Company for destroying any tea which they have lately by their agents unjustly attempted to force into the Colonies, we will not directly or indirectly import or purchase any British East India commodity whatever, till the Company, or some other person on their behalf, shall refund ~~the said~~ and fully restore to the owners all such sum or sums of money as may be so extorted."

Except for the change in date, from August 10th, 1775 to September 10th, 1775, article five of the Virginia Association was substantially adopted as article four in the Continental Association.<sup>44</sup>

"5th. We do resolve, that unless American grievances are redressed before the 10th day of August, 1775, we will not after that day, directly or indirectly, export tobacco, or any ~~article~~ other article whatever to Great Britain with a prospect of gain to any person or persons whatever, with a design of putting it into his or their power to export the same to Great Britain, either on our own, his, or their account. And that this resolution may be the more effectually carried into execution, we do hereby recommend it to the inhabitants of this Colony to refrain from the cultivation of tobacco as much as conveniently may be; and in lieu thereof, that they will, as we resolve to do, apply their attention and industry to the cultivation of all such articles as may form a proper basis for manufactures of all sorts, which we will endeavour to encourage throughout this Colony, to the utmost of our abilities."

Article sixth of the Virginia Association, adopted practically verbatim, became article seventh of the Continental Association:

"6th. We will endeavour to improve our breed of sheep, and increase their number to the utmost extent; and to this end we will be as sparing as we conveniently can, in killing of sheep, especially those of the most profitable kind; and if we should at any time be overstocked,

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<sup>43</sup> Force, American Archives, 4th. Series, i, 687; Journals of the Continental Congress, vol. i, 76, 77. A comparison of the articles above alluded to, shows that the Virginia Association suggested the first of November as the date for the Association to become effective; the Continental Association made the date December first.

<sup>44</sup> Compare article five, printed above, with article four of the Continental Association, in Journals of Congress, 1, p. 77.





or can conveniently spare any, we will dispose of them to our neighbours, especially the poorer sort of people, upon moderate terms."

The first part of article seven of the Virginia agreement, became article nine of the Continental Association; while the last part of article seven, amended so as to apply the twelve Colonies, was made article eleven of the Continental Association:

"7th. Resolved, That the merchants and other venders of goods and merchandises within this Colony ought not to take advantage of the scarcity of goods that may be occasioned by this Association, but that they ought to sell the same at the rates they have been accustomed to for twelve months last past; and if they shall sell any such goods on higher terms, or shall in any manner, or by any devise whatever, violate or depart from this resolution, we will not, and are of opinion that no inhabitant of ~~this~~ this Colony ought, at any time thereafter, to deal with any such person, their factors or agents, for any commodity whatever; and it is recommended to the Deputies of the several counties, that Committees be chosen in each county by such persons as accede to this Association, to take effectual care that these Resolves be properly observed, and for corresponding occasionally with the general Committee of Correspondence in the City of Williamsburg. provided, that if exchange should rise, such advance may be made in the prices of goods as shall be approved by the Committee of each county." 45

It was by means of the committees suggested here that the Association was enforced throughout the Continent; but article eleven of the Continental Association, contained, besides the provisions of the latter part of the seventh article of the Virginia Association, a part of the provisions of article eight of the same agreement; while the remainder of the eighth article became the basis of article ten of the Continental Association,-

the better

"8th. In order to distinguish such worthy merchants and traders who are well-wishers of this Colony, from those who may attempt, through motives of self-interest, to obstruct our views, we do hereby resolve that we will not, after the first day of November next,<sup>46</sup> deal with any merchant or trader who will not sign this Association; nor until he hath obtained a certificate of his having done so from the County

<sup>45</sup> Compare the text and provisions of articles seven and eight, of the Virginia Association with articles nine, ten, and eleven, of the Continental Association. See Fiske, *American Archives*, 4th. Series, i, 686, and Ford, *Journals of the Continental Congress*, i, pp. 76, 79.

<sup>46</sup> "November" changed to "December" in Continental Association, article 10.



Committee, or any three members thereof. And if any merchant, trader, or other person, shall import any goods or merchandise after the first day of November, contrary to this Association, we give it as our opinion that such goods and merchandise should be either forthwith reship-ped, or delivered up to the County Committee, to be stored at the risk of the importer, unless such importer shall give a proper assurance to the said Committee, that such goods or merchandises shall not be sold within this Colony during the continuance of this Association; and if such importer shall refuse to comply with one or the other of these terms, upon application and due caution given to him or her by the said Committee, or any three members thereof, such Committee is required to publish the truth of the case in the Gazettes, and in the county where he or she resides; and we will thereafter consider such person or persons as inimical to this country, and break off every connection and all dealings with them."

provided

The remaining articles of the Virginia Association, that any per-  
son or persons who should export tobacco, or any other commodity, to Great Britain, after the tenth day of August, 1775, should be considered a foe of America; that the colony of Virginia would be willing to abide by such amendments and alterations, as should be made by the Continental Congress, and assented to by the Virginia delegates to that body, as soon as the changes should be published and made known to the people of the colony; that the inhabitants of the colony of Virginia should collect, and transmit to Boston, as liberal ~~contributions~~ contributions as they could afford; and lastly, that "the Moderator of this meeting, and, in case of his death, Robert Carter Nicholas, be empowered, on any future occasion that may, in his opinion, require it, convene the several Delegates of this Colony, at such time and place as he may judge proper; and in case of the death or absence of any Delegate, it is recommended that another be chosen in his place." This last provision, enabled the members of the House of Burgesses, who were the duly elected representatives of the people, to be summoned to meet as a Convention, whenever the arbitrary Dunmore should refuse to call a meeting of the assembly; and this had occurred so frequently since the memorable session of March, 1773, that it looked as if the House of Burgesses, had ~~become~~ become a body in name alone, - So



repeatedly had it been prorogued or dissolved by the governor.<sup>47</sup>

Thomas Jefferson was not present in the Virginia Convention of August, 1774, having been taken sick on his way to the meeting. He had prepared a statement of the rights of the colonies, which contained many of the views afterwards expressed in his draft of the "Declaration of Independence," of July 4th, 1776. When he was taken sick he sent two copies to the Convention, but the views expressed therein were too advanced for adoption at this time. Jefferson says they were used by Edmund Burke as the basis for his fight for conciliation with the colonies. One must remember that Jefferson was one of the most radical of the Virginia leaders, distinguished for his democratic tendencies, and his independence of thought. Of this paper, and the circumstances in his Memoir, surrounding its preparation, Jefferson says:

"Before I left home to attend the Convention, I prepared what I thought might be given, in instruction, to the Delegates who should be appointed to attend the general Congress proposed. They were drawn in haste, with a number of blanks, with some uncertainties and inaccuracies of historical facts, which I neglected at the moment, knowing they could be readily corrected at the meeting. I set out on my journey, but was taken sick on the road and was unable to proceed. I therefore sent on, by express, two copies, one under cover to Patrick Henry, the other to Payton Randolph, who I knew would be in the Convention; of the former no more was ever heard or known. Mr. Henry probably thought it too bold, as a first measure, as a majority of the Members did. On the other copy being laid on the table of the Convention by ~~Patrick Henry~~ Payton Randolph, as the proposition of a Member who was prevented from attendance by sickness on the road, tamer sentiments were preferred, and, I believe, wisely preferred; the leap, I proposed, being, too long as yet, for the mass of our citizens. The distance between these and the Instructions actually adopted is of some curiosity, however, as it shows the inequality of pace with which we moved, and the prudence required to keep front and rear together."

These, so Mr. Jefferson says, had been his views from the very first

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<sup>47</sup> Journals of the House of Burgesses, 1773-1776, pp. 29, 70, 71, 165, 166, 167, 168, 169, 170, 171. The session of March, 1773, was prorogued, after the creation of the intercolonial committee of correspondence, to June 17th; on May 20th, it was prorogued to second Thursday in August, 1773; On July 4th, the assembly was prorogued to second Thursday in November, 1773; On October 19th, prorogued to first Thursday in May, 1774. The resolutions for a fast day had caused its assembly to be dissolved, and a new assembly was called for Aug. 11, but this was prorogued on July 8 to first Thursday in November, and by six successive prorogations the assembly, which was opened late June 1773,





dawn of the dispute, but that he had then "never been able to get  
 one to agree with him except Mr. Wythe." <sup>it was nearly two years before</sup> indeed, his own colony, Virginia, <sup>was</sup> ~~could not for two years be~~ ready to instruct her delegates in Congress  
 to take the stand foreshadowed in this statement of colonial rights;  
 and even after the Virginia delegation <sup>moved</sup> ~~should have~~ a separation from  
 the mother country, a hard fight was ~~made~~ waged to gain for the de-  
 claration the support of the twelve colonies, who by that document an-  
 nounced their birth into the family of independent and sovereign states.

The Continental Association was the work of a committee of the  
 first Continental Congress, appointed by that body on September 30th,  
 to "bring in a plan for carrying into effect, the non-importation, non-  
 consumption, and non-exportation resolved on." On this committee were  
 Cushing, of Massachusetts Bay; Low, of New York; Mifflin, of Pennsylva-  
 nia; Lee, of Virginia; and Johnson, of Maryland. <sup>48</sup> Of this committee,  
 Richard Henry Lee was far and away the ablest member, and the fact that  
 the Association, reported to Congress by this committee, so closely fol-  
 lowed the Virginia Association of the previous August, indicates that  
 Lee had a large share in the drafting of this paper.

Article eleven of the Association, which was agreed to by Con-  
 gress on October 20th, provided for the choosing of a committee in every  
 county, city, and town, in each colony, by those who were qualified to  
 vote for representatives in the legislatures; and stated that the busi-  
 ness of this committee should be "attentively to observe the conduct of  
 all persons touching this association; and when it shall be made to ap-  
 pear, to the satisfaction of a majority of any such committee, that any  
 person within the limits of their appointment has violated this associa-

<sup>48</sup> Ford, Journals of the Continental Congress, vol. i, pp. 53, 75 & 81.





tion, that such injudicious conduct will cause the result of the case to be published in the Gazette: to the end, that all such foes to the rights of British-America may be publicly known, and universally ~~condemned~~ condemned as the enemies of American liberty; and therefore we respectively will break off all dealings with him or her." The committees, appointed in the various colonies pursuant to article eleven, were called, sometimes, committees of "observation", the name being derived from the clause of the Association, "to observe the conduct of all persons touching this Association"; <sup>sometimes committees of correspondence;</sup> sometimes, committees of "correspondence"; sometimes, committees of "safety"; and ~~sometimes~~ not infrequently, they were known as "committees of correspondence, observation, and safety."

The Continental Association, in article twelve, advised "that the Committee of Correspondence, in the respective Colonies, do frequently inspect the Entries of their Custom Houses, and inform each other, from time to time, of the true state thereof, and of every other material circumstance that may occur relative to this Association." As far as the writer has been able to determine, the Virginia committee of correspondence, left no record of any activity in this line; and most of the enforcement of the Association seems to have fallen on the local county committees.

Besides the adoption of the non-importation, non-exportation, and non-consumption agreement, the first Continental Congress had accomplished other important things. It had brought the delegates of twelve colonies together, and had established mutual interests between men hitherto actuated by divergent opinions. It had, more than all else, brought



the delegates of Virginia and Massachusetts, into closer harmony. And these two colonies were recognized as the leaders of their respective sections. Especially significant is the fact that Samuel and John Adams, admittedly the leaders of the Massachusetts revolutionists, were brought into closer relations with Patrick Henry and Richard Henry Lee, who were the most active of the Virginia delegation to this Congress. Indeed, the Journal of the Congress fully sustains the fact of Virginia's leadership; for it shows that a Virginia delegate was appointed to every committee <sup>named</sup> ~~named~~, except the committee for revising and publishing the Journal. On the <sup>more</sup> ~~more~~ important committees there were always two members from Virginia, however small the committee; <sup>either</sup> ~~or~~ nearly always Mr. Henry or Mr. Lee; and where the Virginia members were appointed, sometimes <sup>then</sup> ~~both~~ served on the committee. It is not to be wondered that they left their impress on the proceedings of the first Continental Congress.<sup>49</sup>

Another important thing accomplished by the first meeting of Congress, was the rejection of the plan of union submitted by Joseph Galloway, of Pennsylvania. Baine seconded this proposal, and it was supported by John Jay and Edward Rutledge. The Galloway plan was defeated by the most narrow margin; and all record of it was struck out of the Journals. All that we know of the debate that followed its introduction, is given in the diary of John Adams.<sup>50</sup> Henry is known to have opposed this plan in the debate, and, while Mr. Adams does not give a full report of his speech, he gives a sort of outline of the argument used by Mr. Henry:

"The original constitution of the colonies was founded on the broadest and most generous base. The regulation of our trade was compensation enough for all the protection we ever experienced from her [England]. We shall liberate our constituents from a corrupt House of Commons, but throw them into the arms of an American legislature,

<sup>49</sup> Ford, Journals of the Continental Congress, vol. i, pp. 28, 29, 41, 53, 62, 101, 104.

<sup>50</sup> Life and Works of John Adams, ii, 397, 398: For text of Galloway's Plan see Ford, American Archives, 4th Series, i, 205, or Journals of Congress, i, 43 to 51.



that may be bribed by that nation which avows, in the face of the world, that bribery is a part of her system of government.

"Before we are obliged to pay taxes as they do, let us be as free as they; let us have <sup>our</sup> trade with all the world. We are not to consent by the representatives of representatives. I am inclined to think the present measures lead to war."

In the defeat of Galloway's plan, the Tory <sup>plan</sup> was unmasked; and hereafter their fight was to be made in the colonies, where as in New York, New Jersey, and Georgia, they would contest bitterly for colonial control. But henceforward the Continental Congress was to be a body pledged to the best interests of the American cause; and working to protect colonial rights and liberties. Galloway has stated that Samuel Adams was active in defeating his scheme.<sup>51</sup> Thus the twelve colonies were saved from a continued dependence on Great Britain, largely through the opposition of Patrick Henry and Samuel Adams, the two leaders, who had done so much to rally the colonies in defence of their principles of self-government.

As recommended in article eleven of the Association, the Virginia counties seem to have promptly appointed committees. The people came together in county meetings, approved the proceedings of Congress, adopted the association, and appointed the committees recommended. The Virginia Gazette, (Purdie's) of November 3rd, 1774, contains a copy of the association entered into by Congress, and other proceedings of that body.<sup>52</sup> As soon as the counties learned of the action of Congress, these committees began to be appointed, their members being chosen by the <sup>subscribers</sup> ~~voters~~ of those who were qualified to vote in the election of representatives. The first record, that the writer has been able to find, of activity on the part of a county committee, after the adoption of the Association,

<sup>51</sup> Henry, Patrick Henry, vol. i, p. 238.

<sup>52</sup> Purdie's "Virginia Gazette", issue of November 3rd, 1774, published at Williamsburg, Va. In the Virginia State Library, Richmond.



is an apology, written by Andrew Leckie, a merchant of Caroline, and addressed to the corresponding committee of that county. This apology was sent to the Virginia "Gazette", on October 10th, 1774; and was printed in the issue of November 3rd.<sup>53</sup>

In spite of the fact that the merchants and traders of the colony, were seriously inconvenienced in their business transactions, by the provisions of the association, they acted with a great deal of patriotism and self-denial. The Virginia "Gazette", of November 10th, 1774, states that, on that day, the whole body of merchants, "at present in the City, supposed to be between four and five hundred," waited upon Peyton Randolph and the other delegates of the people of Virginia, who had assembled for a session of the House of Burgesses;<sup>54</sup> and presented the following address:

"Gentlemen: Your generous and voluntary interposition at a time when we were under apprehensions that some measures would be adopted derogatory to the importance of the cause we wish to support with propriety, and contrary to the intention of the General Congress; and by your wisdom and prudence pointing out such methods of proceeding as have removed our fears and given universal satisfaction, demands our grateful acknowledgment.

"Truly sensible of the necessity of preserving peace and harmony, not only between the different Colonies, but also among all ranks and societies in each Colony; and to show our readiness to concur in prudent measures as are most likely to procure a redress of our grievances, we now present the Association voluntarily and generally signed; and as we, on our parts, resolve to adhere strictly thereto, we hope to be favoured with your advice and assistance on every future emergency."

To this address of the body of merchants, the members of the House of Burgesses returned the following answer:

<sup>53</sup> Virginia Gazette, November 3rd, 1774. Incomplete files in the Virginia State Library, Richmond, Virginia. The letter to Mr. Purdie, the editor, which accompanied the apology of Leckie, is as follows:  
 "Mr. Purdie, You are desired by the corresponding Committee of Caroline County, to publish in your Gazette the enclosed apology, made before them and a great Concourse of People, by Mr. Andrew Leckie, Merchant in Port Royal."

(signed) Samuel Hawes, Junior, Clerk of the committee

<sup>54</sup> Proceeded by Purdie on Nov. 10th to first business in February, 1775.





"Gentlemen: It gives us great satisfaction to find that our conduct has received the approbation of your respectable Body; and you may be assured we shall, on all occasions, endeavour to move on the firm principles of Justice and the Constitution. The Delegates are very sensible of the great advantages this country will receive from your union with them; and they consider it as very advantageous, that you, disregarding the influence of your commercial interest, have generously concurred with them in the great struggle for liberty. Such unanimity, we trust, will convince an inimical Administration of the impudence of their measures, and produce effects so salutary as to make us reflect with pleasure on the part we have taken in support of American freedom." 55

Hanover seems to have been one of the earliest counties to appoint its committee, pursuant to the eleventh article of the association. Although the writer has been unable to find the record of the appointment of this committee, he has found an apology to the Hanover committee, from one Paul Thilman, for violating the association; and this statement of Thilman's bears the date of November 12th, 1774, which testifies to the fact that the committee was appointed some time prior to that date.<sup>56</sup>

The freeholders of Henrico elected their committee on November 17th, the poll showing a majority of votes for fifteen gentlemen, who became the county committee.<sup>57</sup> The other county committees chosen during November and December of the year 1774 were: joint-committee for Elizabeth City County and the town of Hampton, November 2nd; <sup>and committees for</sup> Warwick, November 23rd; Chesterfield, November 15th; James City, November 15th; Essex, 1st of Wight, and Princess Anne, on December 6th; <sup>58</sup> Caroline, December 8th;

<sup>55</sup> Virginia Gazette, November 10th, 1774, in Virginia State Library; also published in Force, American Archives, 4th. Series, i, 672, 673.

<sup>56</sup> Virginia Gazette, December 5th, 1774.

<sup>57</sup> Force, American Archives, 4th Series, i, 985.

<sup>58</sup> Force, American Archives, 4th. Series, i, 991, 994, 1007, 1008, 1026.



Prince William, December 9th; King and queen, December 11th; Northampton, December 13th; <sup>Charles City, December 17th;</sup> Gloucester, December 19th; Orange, December 22nd; Accomack, December 23rd; and the inhabitants of the town of Williamsburg chose a committee for that place on December 23rd.<sup>59</sup>

The Committee of Pinecastle County was appointed on January 20th, 1775, by a vote of the freeholders; and after their election, the committee chose Colonel William Christian to be their chairman and appointed Mr. David Campbell, clerk. An address to the Virginia delegates to the late Continental Congress was adopted by a unanimous vote, approving the action of the Congress; and expressing a determination to stand fast in defence of American rights and privileges. Two other counties, Pittsylvania and Westmoreland appointed committees in January, 1775; ~~the former~~, the former, on January 26th, and the latter on the 31st. <sup>60</sup> There may have been other committees appointed during January, <sup>1775,</sup> and in December of the preceeding year; for ~~the~~ there is mention of the proceedings of some committees, in counties, in which the writer has been unable to find any record of their appointment. However it is not unlikely that in some of the counties, the committees were not appointed until the freeholders were assembled to elect delegates to the second Virginia Convention, which was called to meet in Richmond, on March 20th, 1775. It is also possible that in some of the counties, committees were appointed at meetings, the records of whose proceedings have been lost. Some of the counties had appointed commit-

<sup>i</sup>  
59 Force, American Archives, 4th. Series, 1, 1031, 1034, 1037, 1038, 1044,<sup>1049,</sup> 1051, 1056, 1059.

60 Force, American Archives, 4th. Series, 1, 1162, 1163, 1203, 1204.



tees, before the association was formed; and in some cases these committees seem to have been utilized to enforce the provisions of the association until new committees ~~were~~ could be chosen. This seems to have been the case in Fairfax County, where a committee was appointed as early as July, 1774.<sup>61</sup>

There is no doubt that all of the counties responded to the suggestion of article eleven of the Association; and promptly the appointed committees, to see to the enforcement of the non-importation, non-exportation, non-consumption provisions of the Association. On December 24th, 1774, Governor Dunmore, wrote to Lord Dartmouth:

"The Associations first in part entered into, recommended by the people of this Colony, and adopted by that is called the Continental Congress, are now enforcing throughout this country with the greatest rigour. A Committee has been chosen in every County, whose business it is to carry the Association of the Congress into execution, which Committee assumes an authority to inspect the books, invoices, and all other secrets of the trade and correspondence of Merchants; to watch the conduct of every inhabitant, without distinction, and to send for all such as come under their suspicion into their presence; to interrogate them respecting all matters which, at their pleasure, they think fit objects of their inquiry; and to stigmatize, as they term it, such as they find transgressing what they are now hardy enough to call the Laws of the Congress, which stigmatizing is no other than inviting the vengeance of ~~the~~ an outrageous and lawless mob to be exercised upon the unhappy victims. Every County, besides, is now arming a Company of men, whom they call an Independent Company, for the avowed purpose of protecting their Committees, and to be employed against Government, if occasion require. The Committee of one County has proceeded so far as to swear the men of their Independent Company, to execute all orders which shall be given them from the Committee of their County."<sup>62</sup>

In answer to Lord Dartmouth's instruction, in a former letter, that

<sup>61</sup> Force, American Archives, 4th. Series, 1, 601, 602, 1051, 1141, 1142.  
<sup>62</sup> Force, American Archives, 4th. Series, 1, 1061, 1062. Letter from Lord Dunmore to Lord Dartmouth, December 24th, 1774. The first of the counties to enlist a military company, after the adjournment of the Continental Congress of 1774, was Hanover, and it was probably at this time (early in November) that the county committee was appointed. Dunmore was mistaken about the number of counties that had, at this time, raised military companies. It is unlikely that, at the time his letter was written, there were more than six or seven such companies in Virginia. For an interesting account of this, see Henry's Patrick Henry, vol. 1, pp. 141 to 143.



Dunmore should use the power of government to counteract the dangerous measures being attempted in Virginia, the Virginia governor wrote:

"As to the power of Government, which your Lordship, in your letter of November 11, liberally should be exerted to counteract the dangerous measures pursuing here, I can assure your Lordship that it is entirely dissipated, if not totally overturned. There is not a Justice of the Peace in Virginia that acts, except as a Committee-man. The abolishing the Courts of Justice was the first step taken, in which the men of fortune and pre-eminence joined equally with the ~~poor~~ lowest and meanest. The General Court of Judicature of the Colony is much in the same predicament; for though there are at least a majority of his Majesty's Council, who, with myself, are the Judges of that Court, that would steadily perform their duty, yet the ~~Members~~ have absolutely refused to attend, nor indeed would the people allow them to attend, or witnesses to appear.<sup>63</sup> The reason commonly assigned for this prohibition, is the want of a Fee Bill, which expired at the last session of ~~the~~ Assembly; and it is a popular argument here, that no power but the Legislature can establish Fees; and the Fee Bill not having been renewed, it is attributed to the dissolution. But the true cause of so many persons joining in so outrageous a measure, was to ensure their English creditors, who are numerous, to join in the clamours of this country; and not a few to avoid paying the debts in which many of the principal people here are much involved."

From the passage of his letter, just quoted, there can be no doubt that Lord Dunmore believed the association was being generally observed; and that the ~~many~~ many of the men of weight and influence in each county were serving on the committee. As regards the right of the House of Burgesses to originate all money-bills, there is not the slightest doubt that, in Virginia, this was generally regarded as a principle of the constitution: one that had been observed for many years, and that had never been disregarded in the long existence of that body. Concerning the reasons for so many persons joining in the movement to close the courts, both of Dunmore's claims are valid; but there were back of these the reason, that he did not give, and <sup>for which he</sup> does not seem to have allowed ~~any~~, - <sup>unwise</sup> that the ~~unwise~~ <sup>unwise</sup> legislation of Parliament had <sup>led</sup> ~~for~~ <sup>led</sup> the colonies to abolish their trade with England, deprived of their only profitable market. It hardly seems reasonable to suppose that they <sup>could</sup> ~~should~~ <sup>could</sup> have been able to meet obligations, incurred with the expectation of marketing their

<sup>63</sup> *Force, American Archives*, 4th Series, I, 775.





products in a foreign market, from which they were forced by circumstances to stop shipments. Indeed, his statement that the debtor class were trying to evade their payment, is very unjust, <sup>80</sup> ~~when~~ it was largely out of deference to their wishes to deal fairly with the English merchants, that lent the non-exportation agreement from going into effect immediately; and postponed its operation until September, 1778.

Governor Dunmore then stated some of the reasons, to which he attributed the break-down of the authority of the royal government in his colony, although he had used every means in his power to rally those who disapproved of the colonial proceedings to its support:

"With regard to the encouraging of those, as your Lordship likewise exhorts me, who appeared, in principle, averse to these proceedings, I hope your Lordship will do me the justice to believe I have left no means in my power unessayed to draw all the assistance possible from them to his Majesty's Government; but I presume your Lordship will not think it very extraordinary, that my persuasions should have been unavailing, against the terrors, which, on the other hand, are held out by the Committee.

"Independent Companies, &c., so universally supported, who have set themselves up superior to all other authority, under the auspices of their Congress, the Laws of which they talk of in a style of respect, and treat with marks of reverence, which they never bestowed on their legal Government, or the Laws proceeding from it. I can assure your Lordship, that I have discovered no instance where the interposition of Government, in the feeble state to which it is reduced, could serve any other purpose than to suffer the disgrace of a disappointment, and thereby afford matter of great exultation to its enemies, and increase their influence over the minds of the people." 64

Dunmore seems to have fully grasped the weakness and impotence of the royal power in Virginia; and yet he did not analyse the situation sufficiently to grasp its real inwardness. He does not seem to have realized that the <sup>strength</sup> ~~power~~ of the committees lay, not so much in their power to frighten persons into obedience, as in the fact that back of them

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64 Force, American Archives, 4th. Series, i, 1062.



was a powerful and united public sentiment, which had created them and whose servants they were. How does he seem to have grasped the fact that the laws of Congress were obeyed because the people upon whom they operated had helped to make them; and that they were the answer to the constant <sup>of</sup> ~~negotiations~~ and interference with, the legislatures of the colonies. Popular representation, accustomed to speaking in the colonial assemblies, had been denied a voice, by the arbitrary policies of the British Ministry and Parliament; so it had spoken through a new body, the Continental Congress, and in the union against oppression its commands had gained in weight and in importance. The acts of Congress, the ordinances of their Conventions, the proceedings of their committees, - all carried with them the highest sanction, consent of the governed. The death throes of the royal power were the pains that accompanied the birth of a free and democratic nation.

Exactly the date of appointment of all of the county committees, the writer has been unable to determine, but it is certain that by the latter part of the year 1775, <sup>fifty</sup> ~~sixty~~ of the sixty-two counties, had appointed committees; for a careful search of existing records has found <sup>in all</sup> proceedings of committees <sup>in</sup> ~~except~~ twelve counties by the end of the year 1775. However, it is by no means certain, that the twelve counties of which there seems to be no record of committee-proceedings, did not appoint committees. Indeed, it seems more than likely that these counties, just as did the other counties of the state, appointed committees; for most of them were "up-country" counties, which were in sympathy with the resistance of British Parliamentary aggressions, and whose people followed the leadership of Henry and Jefferson. There is every reason to believe that these counties appointed committees, but that the records, <sup>if there were any kept,</sup> have been either lost or destroyed.



By the end of the year, 1775, one finds mention of committees in the following counties: Accomack, Augusta, Allemarie, Amelia, Bedford, Buckingham, Caroline, Charles City, Charlotte, Chesterfield, Cumberland, Dinwiddie, Elizabeth City, Essex, Fairfax, Fincastle, Frederick, Gloucester, Cochland, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Mecklenburg, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northampton, Northumberland, Orange, Pittsylvania, Prince Edward, Prince George, Prince William, Princess Anne, Richmond, Southampton, Spottsylvania, Sussex, Warwick, West Augusta, Westmoreland, and York; and in the towns of Williamsburg, Norfolk, and Fredericksburg. While only in twelve counties, Amherst, Berkeley, Brunswick, Culpeper, Dumfries, Fauquier, Hampshire, Halifax, Lunenburg, Stafford, and Surry, does there seem to be no evidence of the existence of committees in 1775. It is however possible that records of committees of these counties exist; but have been inaccessible to the writer. It is certain that the counties of Stafford and Surry had a committee early in 1776; and there is no reason to believe that any county in the colony should have failed to appoint a committee.

That these committees were generally appointed, and that their rulings were pretty consistently carried out, is evidenced, not only by the statements of Lord Dunmore; but also by Richard Henry Lee's letter of February 4th, 1775 to Samuel Adams, in which he says:

"I fear the friends of liberty and virtue may wonder at the few efforts that have been ~~made~~ made by this Colony Virginia since the dissolution of the late patriotic Congress. But ~~there~~ we have not yet had an opportunity of publicly expressing our sentiments, I

65 Force, American Archives, 4th. Series, i, 963, 964, 980, 991, 994, 1007, 1008, 1026, 1031, 1034, 1036, 1044, 1047, 1048, 1049, 1051, 1056, 1059; Force, American Archives, 4th. Series, ii, 13, 14, 33, 34, 76, 77, 120, 126, 227, 228, 234, 238, 254, 281, 299, 307, 308, 443, 456, 458, 476, 477, 478, 502, 504, 525, 526, 527, 528, 529, 529, 540, 551, 611, 622, 640, 641, 667, 668, 681, 682, 701, 702, 703, 710, 897, 974, 1023, 1024, 1031, 1113, 1136, 1140; Force, American Archives, iii, 27, 157, 116, 444, 544, 666, 700, 794, 939, 985, 1177, 1192, 1194, 1371, 1401, 1550, 1560, 1388, 1570, 1616, 1623, 1632, 1652, 1681, 1704, 1371, 1401, 1550, 1560, 1388, 1570, 1616, 1623, 1632, 1652, 1681, 1704, Force American Archives, 4th, iv, 171, 200, 224, 245.  
66 Force, American Archives, 4th, iv, 940, 1129, 1195



think the general private conduct has not been exceptionable. Among all ranks and Classes of People (a very few interested foreign Traders excepted) there appears great unanimity, and firmness of zeal in support of the American cause." 67

In a letter to his brother, Arthur Lee, which was written on February, 24th, 1775, Richard Henry Lee states that the "most effectual measures are everywhere taking to secure a sacred observance of the association." 68

During the period, from the adoption of the Association to the establishment of the state government of Virginia- the period of transition from Colony to Commonwealth, the work of the county committees was of the utmost importance. While it will be impossible, in the scope of this study, to examine the proceedings of each committee in full, yet the most important activities of the committees will be considered.

From their appointment to the second meeting of the Virginia Convention, March 20th, 1775, the functions performed by the county committees, may be summarized under the following heads: (1) Seeing that the Association was duly signed and executed by the inhabitants of each county; (2) Seeing that the provisions of the non-importation, non-exportation, and non-consumption agreement were duly observed; (3) Inspecting the books and invoices of merchants suspected of having violated the Association; (4) Publishing breaches of the Association, and holding the offenders up to the public as enemies of American rights; (5) Obtaining of subscriptions of money and provisions for the poor of Boston; (6) Encouragement of manufactures in the community by premiums and bounties; (7) Raising of quota of each county toward the payment of the expenses of the delegates to Congress; (8) Sending the proceedings of the county and com-

67 Ballagh, The Letters of Richard Henry Lee, vol. i, 127.

68 Ibid, 130.





unity to the newspapers for publication; (9) Notifying other counties of violations of the Association, and furnishing names of the violators; (10) Enforcing the regulations of Congress, and of the Virginia Convention, as the law in their respective counties. .

The following cases will serve to illustrate how these functions were carried out by the committees: On December 6th, 1774, the freeholders of Princess Anne County, assembled to elect a committee, "agreeable to the Resolve of the American Continental Congress"; "The Association entered into by the Congress being publicly read, the Freeholders and other inhabitants of the County then present, with the greatest alacrity, did avow their approbation of the measures adopted by that honourable body, binding themselves, by the sacred ties of honour, virtue, and love to their country, strictly to observe and keep the same inviolable in every particular." <sup>69</sup> It was <sup>largely</sup> through the agency of the county committee that the Association was signed and accepted by the inhabitants of the various counties.

In seeing that the provisions of the Association were duly observed in the various colonies of Virginia, the committees rendered important service. Probably the best method was that adopted by the committee of Northampton. Here the county was divided into seven districts, and "three or more members" of the committee were appointed "to present the Association to the inhabitants of each District, and carefully observe the conduct of all persons therein touching the Association, and make report thereof to this Committee." <sup>70</sup> As a general rule it may be stated

<sup>69</sup> Force, American Archives, 4th. Series, I, 1046; also Force, American Archives, 4th. Series, II, 76, 77.

<sup>70</sup> Force, American Archives, 4th. Series, I, 1046. Meeting of the Northampton County Committee, December 17th, 1774.



that there was more danger of the Association being broken or evaded in the Tidewater country than in the country that did not border on the navigable streams; hence one is not surprised to find that, as far as the non-importation provisions were concerned, it was in the lower Virginia counties, that the committees had the most difficult task.

The plan, adopted by the committee of Caroline County for the inspection of the books of the merchants of that county, was very simple and effective. The books and invoices of the merchants at Port Royal, and at Conway's Warehouse, were to be inspected by <sup>five</sup>~~three~~ members of the committee; while other members were appointed to serve as sub-committees for the inspection of the books of the other merchants in the county.<sup>71</sup> By a resolution of the committee of Prince William County, it was declared that "whenever there appears to this Committee cause to suspect that any Merchant or Trader of this County has violated the Association of the Continental Congress, by raising the price of his Goods, that such Merchant or Trader be called upon to show his day-books and invoices to clear up such suspicion; and that in case of refusal he be deemed guilty of the charge, and subject to the penalties in such case provided."<sup>72</sup>

The publishing of the names of breakers of the provisions of the Association, and holding them up to the public as enemies of American rights and privileges, constituted a powerful kind of political, social, and economic "boycott", which was a strong weapon in the hands of the county committees. Realizing the great power of such an instrument, in the hands of a comparatively small number of men in each county, nearly

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<sup>71</sup> Force, American Archives, 4th. Series, i, 1047, 1048. Meeting of the Committee of Caroline County, December 16th, 1774.

<sup>72</sup> Force, American Archives, 4th. Series, ii, 1034. Prince William County Committee, December 9th, 1774.



every precaution and safeguard possible seems to have been thrown around its exercise. In no case does ~~it~~ <sup>this punishment</sup> seem to have been exercised in which the offender was not given opportunity to clear himself; and where the offense was admitted and pardon asked, it seems to have been freely granted. Of course there was a great opportunity for arbitrary action, had the county committees been composed of the lawless element of the community, but so far as the writer has been able to determine, the county committees seem to have been elected by the duly qualified Electorate of the colony; and were under the direction and control of the Convention, which was in reality, save for the arbitrary prerogatives of the assembly, the legally chosen legislative body, - and so looked upon by the people of Virginia. Indeed most of the violators of the Association were doing what is always a dangerous thing in a time of crisis, - flying in the face of nearly unanimous public sentiment: and so long as the county committee had back of it the sanction of the county electorate, it was not apt to abuse <sup>to great extent, the</sup> any power that had been delegated to it for public use.

Indeed, when one compares the great unanimity that existed in the colony of Virginia, with the internal strife between advocates of American rights and their Tory opponents that was rending some of the other colonies, one can easily understand the outrages against the Tory element that were perpetrated in some of them. Fortunately for the "Old Dominion" the Tory element in her boundaries does not seem to have been very powerful, or very troublesome. When the "parties of the ways" was repealed the governing class, which, <sup>as</sup> we have seen, was so representative of the masses of the people, nearly to a man, espoused the colonial cause. Such being the condition, one is not surprised to find so little persecution of Tories in the records of the Virginia committees. In fact most of the offences against the Association, said to have been followed by identification



in the case of the offenders, and the explanation, apology, or extenuation on the part of the offenders.<sup>73</sup> Hence it ceased to be original and fresh violation, the extreme penalty does not seem to have been warranted as to the Virginia offenders. When all other remedies had failed, it was then inflicted, the offender was published as an enemy of his country; and all friends of America were advised to have no dealings with him.<sup>74</sup>

As victims of Ministerial vengeance, the people of Boston were looked upon throughout the colony of Virginia, as sufferers in the American cause; for the people in general believed that the measures that had been adopted toward Massachusetts would, if successful there, be used against the other American colonies. It was necessary to the protection of colonial rights, that the colonial cause should be upheld everywhere; and the people of Boston must be supported in the efforts they were making to withstand the oppressive measures of Parliament, aimed at them, and through them at the cause of the united colonies. Besides there was much real sympathy for the poor of Boston, who, in the closing of that port, were cut off from their usual means of procuring a livelihood.<sup>75</sup> To aid the Bostonians subscriptions of goods and money were set on foot in the various colonies, and to these subscriptions there was a liberal response.<sup>76</sup> In the Virginia counties the work of collecting provisions and money for this purpose, was carried on by the county committees, who were in touch with the people of their respective neighborhoods; and who were in a position to give material assistance to this worthy cause.

Virginia was a colony without manufacturing interests of any extent. Indeed, the policy of the British Government had been to discourage, as far as possible, the growth of manufactures in the colonies.

<sup>73</sup> Force, American Archives, 4th. Series, i, 1047, 1048, 970, 971, 974, 982 to 985; Force, American Archives, 4th. Series, ii, 18, 19, 120.

<sup>74</sup> Force, American Archives, 4th. Series, ii, 37, 38, 76, 77.

<sup>75</sup> Force, American Archives, 4th. Series, i, 1044, 1051.





of America; so that the merchants and manufacturers of Great Britain could have a monopoly of the American trade. Victoria was a large colony, in which the plantation system and a slave labor had made a large estate crop. With the non-plantation and non-plantation system, the trade of the colony was destroyed; and the people of the colony, realizing their need of manufactures to supply them, with the goods that had hitherto been brought from England, sought, in every possible manner to promote and encourage the establishment of new industries. In the various counties, the committees offered premiums and bounties for the establishing of successful manufacturing plants; and especially desirous were they to promote the manufacture of muskets, the weaving of cloths, and the refining of salt, - articles of the utmost importance, should the outcome of the dispute with England be an armed conflict.<sup>76</sup>

The expenses of the delegates of the colony to the Continental Congress were apportioned to the counties, ~~of the colony~~ and in some cases, this fund was collected at the meetings of the committee; and turned over to the representatives of the county, who were supposed to turn it in to the treasury. Whether this was the case in all of the counties can not be definitely stated, but it is certain that the Pittsylvania quota was raised in this manner.<sup>77</sup>

One of the most important functions of the county committee was the publication of the proceedings of the county meetings, and of the meetings of the committee. These proceedings were kept by the clerk of the committee, and were usually sent to the nearest paper for publication. It was through the published accounts of these proceedings, that the people in the different counties were apprised of the action taken

<sup>76</sup> Force, American Archives, 4th Series, I, 1027, 1038, 1044, 1247, 1248.

<sup>77</sup> Force, American Archives, 4th Series, I, 1112, 1157.



in the county and committee meetings of the other counties. Moreover, the publication of the committee proceedings, was one of the two methods used to notify the public of breaches of the association; and of the names of the violators of its provisions. The other method of notifying the counties was by means of correspondence, which was carried on by the committee, or by a part of the committee, a sub-committee appointed to act as a committee of correspondence.<sup>78</sup> In the community itself, the non-associators, as those who refused to sign or obey the association were called, were listed on the minute-book of the county committee; and lists of those who refused to sign the association were sent to the various merchants of the county, and were posted in the public places of the county for the guidance of the public.<sup>79</sup>

With the prorogations and dissolutions of the assembly by Lord Dunmore, which had prevented the passage of necessary legislation, the voting of a fee-bill, and the consideration of all routine business so necessary to the preservation of law and order in the colony by that body, the regular processes of government in the colony had almost come to a stand-still. The representatives of the people, refused the right of sitting as a House of Burgesses, had met in Convention; and this Convention had elected delegates to the Continental Congress. As the only bodies on the continent in which they had any voice, the people of Virginia had come to look upon the Continental Congress, and their colony Convention, as the true organs of government, tracing their power to what they had learned to regard as the true source of all legislative

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78 Force, American Archives, 4th Series, i, 1007, 1037, 1038, 1044, 1051;

Force, American Archives, 4th Series, ii, 33, 34.

79 Force, American Archives, 4th Series, ii, 76, 77.



authority- the people. Denied the representation, to which they had grown accustomed through long usage, it is not strange that the people of the colony should have looked upon such representative bodies as the Congress and Convention, as assemblies of their own creation, acting with duly delegated powers and authority. Here was representation, not virtual, but very real; not the ~~the~~ theory of Parliamentary supremacy, but the fact of popular sovereignty- acting through popular representative institutions.

With the adoption of the Association, the courts of the colony had suspended business, and adjourned by popular consent. Only the shadow of administrative control remained. It was necessary that some rules of conduct should guide the people, that some organs of enforcement should act for the body politic, to see that these rules were duly observed. The endorsement of the proceedings of Congress, and of the ordinances of the Virginia Convention, in county after county, furnished rules of conduct which the county committees could enforce. And this enforcement was rendered less difficult, because back of, and underlying, the action of these bodies was the popular consent,- that which gives sanction to all enforceable legislation, without which law becomes the shadow and not the substance, an empty theory instead of a living fact. In the period, between the break-down of the royal administration and the establishment of a state constitution and government, in 1776, the county committees, backed up by a nearly unanimous popular sanction, took the place <sup>in the main,</sup> of both administrative and judicial officials in the Virginia counties. It is much to their credit, for it testifies to their honesty and efficiency, that the transition from royal colony to democratic commonwealth was characterized by so little disorder and confusion. It was a practical proof of the Virginian's capacity for local self-government and democratic representative institutions.



The second Virginia Convention met at St. John's Church in Richmond, March 20th, 1775. News had not then been received in the colony of the action of Parliament upon the proceedings of the first Continental Congress. When the delegates of the various counties came together in Convention, the latest information from England was that published in the Williamsburg Gazette of March 18th, <sup>given in a letter from London, dated Decem-  
ber 14, 1774, and  
1775.</sup> This letter stated that the petition of Congress received from the King, of the petition of Congress, and added, "The King at court is that all the acts will be repealed except the admiralty and declaratory, and that North and Dartmouth will be replaced by Gower and Hillsborough." The receipt of this news revived the hopes of the more conservative of the patriots, who still hoped and believed "that the Ministry would retrace their footsteps and all would be well again." 80

There were comparatively few changes in the membership of the Convention, since its first meeting in August of the preceeding year. Peyton Randolph, the speaker of the House of Burgesses, was elected president by the unanimous vote of the Convention; and the proceedings of the Continental Congress, and a letter from Benjamin Franklin, William Pollan, and Arthur Lee, colonial agents in Great Britain, stating that the petition to the King had been presented, were laid before the Convention. After resolving that "this Convention will observe, ~~the~~ in their debates, the same rules and orders as are established in the House of Burgesses in this Colony", the Convention proceeded to the consideration of the proceedings of Congress. On March 21st and March 22nd, this consideration, and discussion of the action of Congress was continued; and by a unanimous vote of its members, the Convention approved of the

80 Henry, Patrick Henry, I, 154, 155: Proceedings of the second Virginia Convention, given in Forbes American Archives, 4th Series, II, 165 to 172. 61 Counties and the boroughs of James Town, Norfolk, and Williamsburg were represented by 119 duly elected delegates, who were authorized by their constituents to act in a Convention, in case the Assembly should not be called by the executive.





Congressional proceedings on the latter day. They next voted the thanks of the Convention and of the colony to the Virginia delegation, "for their cheerful undertaking and faithful discharge of the very important trust imposed in them." On the third day of the session a copy of the petition and memorial of the Assembly of the Island of Jamaica, addressed to the King, December 20th, 1774, was laid before the convention and read.<sup>61</sup> While this paper was a bold vindication of the rights of the American colonies, it was objectionable to such men as Henry <sup>and</sup> his followers, in two of its positions. "It traced the grant of colonial rights to the King, and claimed that the royal prerogative annexed to the Crown was totally independent of the people, who could not invade, add to, or diminish it. This extreme Tory doctrine was not to the liking of the advanced patriots, nor necessary for the vindication of American rights, which were not dependent on royal grants alone. Another matter contained in the paper, equally objectionable, was the declaration of the Assembly, that owing to their weak condition, caused by slavery, it could not be supposed they intended, or ever could have intended, resistance to Great Britain."<sup>62</sup> However, as the remainder of the paper was a severe rebuke to the British Government, and an able defence of the colonies, the paper pleased many members of the Convention; and caused them to overlook the objectionable parts. Accordingly it was moved:

"That the unfeigned thanks and most grateful acknowledgments of this Convention be presented to that very respectable Assembly, for the exceeding generous and affectionate part they have so nobly taken in the unhappy contest between Great Britain and her colonies, and for their truly patriotic endeavors to fix the just claims of the colonists upon the most permanent constitutional principles.

"That the Assembly be assured that it is the most ardent wish of

<sup>61</sup> Force, *American Archives*, 4th Series, i, 1072 to 1074. Jamaica Petition and Memorial.

<sup>62</sup> Henry, *Patriot Henry*, i, 288.



this colony (and we are persuaded of the whole continent of North America) is to see a speedy return to those halcyon days when we lived a free and happy people.

"That the President be desired to transmit these resolutions to the Speaker of the Jamaica assembly by the earliest opportunity." <sup>83</sup>

But these resolutions did not suit the views of Patrick Henry, for while he could unite in the vote of thanks to the Jamaica Assembly for "their truly patriotic endeavors to fix the just claims of the colonists upon the most permanent constitutional principles," he could not agree with the toryism and non-resistance ideas expressed in the paper. "He was certain that there would be no real change of policy in England, and that the colonies would never see a return of the 'halcyon days' of old. He saw, too, the danger of exciting in the colony any such hope, when no time should be lost in doing for the approaching conflict. He realized the fact that the independent volunteer companies, raised in different parts of the colony, could not be relied on for sustained effort, unless they were made a part of a colonial army, and that any preparation for war, to be efficient, must be organized and controlled under the authority of the colony. His clear vision had pierced into the future, and he now saw that the hour of conflict in the field was at hand." <sup>84</sup> Just as introduce and to ten years before, when he had risen to champion a set of resolutions opposing the "Stamp Act", Henry now arose and moved <sup>as an amendment</sup> that the colony be immediately put into a state of defence, and that a committee to prepare a plan for embodying, arming, and disciplining such a number of men as should be sufficient for that purpose, should be appointed. This resolution was opposed by Bland, Nicholas, Harrison, of Berkeley, and Pendleton; <sup>85</sup> but was championed by Henry, Richard Henry Lee, Jefferson, and

<sup>83</sup> Ibid, p. 286.

<sup>84</sup> Ibid, pp. 286, 287.

<sup>85</sup>

Statement by John Tucker, who was present when the resolution was introduced. See Henry, Patrick Henry, I, 238.



Thomas Nelson, the latter one of the wealthiest men in the colony, who carried with him most of his plies.<sup>86</sup> It was in the debate over these resolutions that Henry made his most famous speech, and the fact that ~~Re~~ Harrison, Nicholas, and Jenkinson, the leaders of the opposition, were appointed to places on the committee for saving the colony, shows how thoroughly Henry carried the convention with him.<sup>87</sup>

On March 24th, certain paragraphs in the public papers, said to be the votes of the House of Representatives of New York, were read in the Convention; and as these proceedings did not satisfy the action of the Continental Congress, especially as regards the enforcement of the Association, the matter was duly considered in the Virginia Convention. The proceedings of the Virginia Convention report this matter as follows:

"The Convention, taking into their consideration that the said Province of New York did, by their Delegates in General Congress, solemnly accede to the compact of Association there formed for the preservation of American rights; that a defection from such their conduct would be a manifestly too atrocious to be charged to a sister Colony but on the most authentick information, and also doubting whether their said radical defect in the Constitution of that Government, the sense of their House of Representatives, on positions of this nature, should be considered as the sense of the people in general," and to the following resolution:

"That it be an instruction to the Committee of Correspondence for this Colony, that they procure authentick information from the Committee of Correspondence in the Province of New York, or otherwise, whether their House of Representatives, by any vote or votes whatsoever, have deserted the union with the other American Colonies, formed in General Congress, for the preservation of their just rights; whether the other the other Colonies are to consider such vote or votes as declaring truly the sense of the people of their Province in general, and as forming a rule for their future conduct; and if they are not to be so considered, that they inform us, by their names and other sufficient descriptions, of the individuals who may have concurred in such vote or votes; and that the said Committee lay such their information before the next Convention, or Assembly." 88

This seems to have been the last important function performed by

<sup>86</sup> Edmund Randolph. Manuscript History of Virginia, in possession of the Virginia Historical Society.

<sup>87</sup> For interesting accounts of this resolution, and its passage, see Henry, *Patrick Henry*, I, 258 & 272.

<sup>88</sup> *Forc, American Archives*, 4th Series, vol II, 168 *Proceedings of the Virginia Convention*.



the Virginia Intercolonial Committee of Correspondence.

It was laid by the Convention, without a dissenting voice, that the "Committees of the several Counties and Corporations" of the colony should exert themselves "in procuring and continuing Contributions, for supplying the necessities and alleviating the distresses of our brave and worthy fellow subjects of Boston, now suffering in the common cause of American freedom, in such manner, and so long as the occasion may require." This work had been performed in many of the counties by the committees, and the liberal response of the people throughout the colony had been of much assistance to the people of Boston. So efficient had been the work of the committees in those counties in which subscriptions for this purpose had been set on foot, that the Convention now recommended this plan of aiding the people of Boston to the committees throughout the whole of Virginia. However, other events within the colony soon occupied the attention of the committees; and so far as the writer has been able to determine from the records of the committees, most of the subscriptions in behalf of Boston seem to have been carried on at the initiative of the respective counties, prior to this recommendation of the Convention.

<sup>69</sup> The report of the committee appointed to ~~consider~~ draw up a plan for arming, arming, and disciplining the militia was considered by the Convention, on March 18th, and after being debated and amended, was

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<sup>69</sup> This committee consisted of the following members: Patrick Henry, Richard Henry Lee, Robert Carter Nicholas, Benjamin Harrison, Lemuel Riddick, George Washington, Adam Stephen, Andrew Lewis, William Christian, Edmund Pendleton, Thomas Jefferson, and Isaac Zane. Of these Henry, Lee, Nicholas, Harrison, Pendleton, and Jefferson were members of the Virginia Committee of Correspondence.





unanimously adopted, as follows:

"The Committee express that it be strongly recommended to the Colony, diligently to put into execution the Militia Law passed in the year 1776, entitled "An Act for the better regulating of the Militia," which has become null in force by the expiration of all subsequent Militia Laws.

"The Committee are further of opinion that, as from the expiration of the above-mentioned latter Law, and various other causes, the legal and necessary disciplining the Militia has been much neglected, and a proper provision of Arms and Ammunition has not been made, to the evident danger of the community in case of invasion or insurrection, it be recommended to the inhabitants of the several Counties of this Colony that they form one or more volunteer Companies of Infantry and Troops of Horse, in each County, and to be in constant training and readiness to act on any emergency.

"That it be recommended, particularly to the Counties of Brunswick, Dinwiddie, Chesterfield, Henrico, Hanover, Spotsylvania, King George, and Stafford, and to all Counties below these, that out of such, their volunteers, they form each of them one or more troops of Horse; and to all the Counties above these, it is recommended that they pay a more particular attention to the forming a good Infantry.

"That each Company of Infantry consist of sixty-eight rank and file, to be commanded by one Captain, two Lieutenants, one Ensign, four sergeants, and four corporals; and that they have a Drummer, and be furnished with a Drum and Colours; that every man be provided with a good Rifle, if to be had, or otherwise with a common Firelock, Bayonet, and Cartouch-box, and also with a Tomhawk, one pound of Gunpowder, and four pounds of Ball, at least, fitted to the bore of his Gun; that he be clothed in a Hunting Skin, by way of uniform; and that all endeavour, as soon as possible, to become acquainted with the military exercise for Infantry, appointed to be used by His Majesty in the year 1764.

"That each Troop of Horse consist of thirty, exclusive of Officers; that every Horseman be provided with a good Horse, Bridle, Saddle, with Pistols and Holsters, a Carbine, or other short Firelock, with a Bucket, a Cutting Sword, or Tomhawk, one pound of Gunpowder, and four pounds of Ball, at the least, and use the utmost diligence in training and accustoming his Horse to stand the discharge of fire-arms, and in making himself acquainted with the military exercise for Cavalry.

"That, in order to make a further and more ample provision of Ammunition, it be recommended to the Committees of the several Counties, that they collect from their Constituents, in such manner as shall be most agreeable to them, so much money as will be sufficient to purchase half a pound of Gunpowder, one round of Lead, necessary Flints and Cartridge Paper, for every tithable person in their County; that they immediately take effectual measures for the procuring such Gunpowder, Lead, Flints, and Cartridge Paper and dispose thereof when procured, in such place or places of safety as they may think best: and it is earnestly recommended to each individual to pay such proportion of the money necessary for these purposes as by their respective Committees shall be judged requisite.



"That as it may happen that some Counties from their situation, may not be arrived at the most certain and speedy method of procuring the articles before-mentioned, one General Committee should be appointed, whose business it should be to procure, for such Counties as may make application to them, such articles, and so much thereof as the moneys wherewith they shall furnish the said Committee will purchase, after deducting the charges of transportation, and other necessary expenses." 90

This committee for purchasing military supplies was composed of Robert Carter Nicholas, Thomas Nelson, and Thomas Whiting, and any two of them were authorized to act as a committee for the transaction of the business assigned them. But it was to the county committees that the heaviest work <sup>in</sup> ~~was~~ organizing and embodying the militia; and in the securing and distributing military goods was assigned.

After re-electing all of the delegates to the Continental Congress who had represented Virginia in the first session of that body, and naming Thomas Jefferson as alternate for Peyton Randolph, in case the latter should be unable to attend the next session, the Convention adjourned <sup>the</sup> <sup>91</sup> report of a committee, appointed to "prepare a plan for the encouragement of Arts and Manufactures" in the colony; and adjourned with the recommendation, that the respective counties of the colony should elect delegates to the next Convention, who should be authorized to serve in that capacity for one year.

By a resolution of the Convention, passed by that body, on March 15th, the courts of the colony remained in a state of virtual suspension: and much of the enforcement of law and order in the various counties of the colony, <sup>continued in the hands of</sup> ~~was left to~~ the members of the county committees. This resolution stated that it was the opinion of the Convention that,

90 *Force, American Archives, 4th Series, ii, 168 to 170 Proceedings of the Virginia Convention.*

91 This committee consisted of the following members: Nicholas, Bland, Mencer, Pendleton, Tarr, Carter, of Stafford, Harrison, Richard Henry Lee, Charles, Washington, Henry, Holt, and Weston.



"on account of the unhappy hieries between Great Britain and the Colonies, and the unsettled state of this country, the lawyers, suitors, and witnesses ought not to attend the prosecution or defense of civil suits at the next General Court; and it is recommended to the several Courts of Justice not to proceed to the hearing or determination of suits on their dockets, except attachments, nor to give ~~the~~ judgments but in the case of Sheriffs or other collectors for Money or Tobacco received by them; in other cases, where such judgment shall be voluntarily confessed, or upon such amicable proceedings as may become necessary for the settlement, division, or distribution of estates. And during ~~this~~ this suspension of the administration of justice, it is earnestly recommended to the people to observe a peaceable and orderly behaviour; to all creditors to be as indulgent to their debtors as they are able; and where differences may arise which cannot be adjusted between the parties, that they refer the decision thereof to judicious neighbours, and abide by their determination."

To the functions and duties of the county committees, which have already been pointed out earlier in this chapter, little was added by the Convention, except the duties attendant upon the organizing and equipping of the militia. Yet the arming of the colony was a matter of the utmost importance to the future welfare of the people; for no one knew at what moment the clouds that were now impending over the land would break into the fierce storm of war. That the colony should be prepared to meet any emergency, a force of fighting men must be raised, trained, and armed; and it is with this work that the county committees, during the first six months of the year following the Convention of March, 1775, were to a large extent occupied.

After the closing of the Second Virginia Convention, and before the meeting of the third Convention, which occurred in Richmond on <sup>July</sup> ~~June~~ 17th, 1775, several events of importance occupied the attention of the people of Virginia. On April 20th, Lord Dunmore, ordered Captain Henry Collins, commanding the British schooner *Marblehead*, to remove twenty kegs of powder from the public magazine at Williamsburg, and to put it on his vessel. The people of Williamsburg were greatly excited over this occurrence; and it was with difficulty that they were restrained, by some of



older and wiser citizens, and by the Town Council, was assured that proper steps would be taken to have the powder restored. Many of the inhabitants had armed themselves, and favored an attempt to force Captain Collins to return the powder; but upon the promise of the officers of the town to initiate proceedings for the return of the powder that had been removed by the order of Dunmore, no forcible measures were resorted to. The Mayor, Boscawen, Alderman, and Common Council of Williamsburg, thereupon, issued a respectful address to the governor, stating that the powder in question had been stored in the magazine for the protection and security of the colony, that there was reason to believe that some wicked and designing persons had ~~been~~ instilled the most diabolical notions into the minds of the slaves, which might lead to servile insurrection, inquiring why the powder had been carried off in such a manner, and entreating that it should be immediately returned. To this address, the governor made a verbal reply in which he stated, that hearing of an insurrection in a neighboring county, he had removed the powder from the magazine because he did not think it secure, to a place of perfect security; and that, upon his word of honor, whenever it was wanted on any insurrection, it should be delivered in half an hour. That he had moved it in the night to prevent any alarm; and that Captain Collins had acted directly under his orders. He expressed surprise that the people were reported to be under arms, and did not think it would be wise to put powder into their hands in such a situation. <sup>92</sup> This rather distant reply of Dunmore seems to have been accepted as a promise to return the powder, in case it should be needed, and largely through the exertions of Peyton, Robert Carter Nicholas, and other influential citizens, the

92. Force, American Archives, 4th Series, ii, 371, 372.





people were induced to disperse, and quiet <sup>17</sup> was restored. On the next day, when every thing was perfectly quiet, Lord Dunmore sent a message into the city, by one of the Magistrates, that if any insult was offered to Captain Fox or to Captain Collins, he would declare freedom to the slaves and lay the town in ashes; and that he could easily depopulate the whole country. <sup>94</sup>

Information of these matters spread throughout the colony with great rapidity, and threw the people into a state of great excitement. A large body of armed men from the surrounding counties, assembled at the town of Frederickshurg; and on the summons of Patrick Henry, the Hanover Volunteers and the Committee of that county met at New Castle. Both of these bodies sent messengers to Williamsburg with offers of as-

<sup>93</sup> Henry, Patrick Henry, i, 270 to 289.

<sup>94</sup> Force, American Archives, 4th Series, ii, 1209 to 1215, 1291 to 1231. Journals of the Virginia House of Burgesses, 1773-1776.

The examination of various witnesses by a committee appointed by the House of Burgesses to examine into the causes of the late disturbances and commotions; and the address to the governor, reported on June 19th, 1778, give the main facts in the removal of the powder and the proceedings thereupon. The address summarizes the events leading up to the removal of the powder, in a clear and concise manner:

"We find, my Lord, that the inhabitants of the City of Williamsburgh, in the midst of which the magazine is situated, upon discovering that the powder was removed, the time and manner of its being done- in the dead of night, under an escort of armed marines, commanded by Captain Henry Collins, of the Magdalen- were exceedingly alarmed; that many of them were so exasperated that they had recourse to arms, intending, as we understand, to compel Captain Collins to restore the powder; but we cannot discover that the least insult was intended to your Lordship. We find that the Corporation of Williamsburgh presented a "decent and very respectful address to your Excellency, desiring that you would be pleased to order the powder to be returned; and, on receipt of your verbal answer, amongst other things avowing that it had been removed by your orders, under which Captain Collins had acted, and promising it should be returned in case of an insurrection, the people were soon appeased, returned quietly to their respective homes, and perfect tranquility was restored ~~in~~ the City. That in the succeeding night, on a report that a number of armed men had landed at a ferry about four miles from this City, the inhabitants were again very much alarmed; but upon the interposition of some gentlemen, they were quieted, and nothing farther was done than strengthening the usual patrol for the security of



sistance, which reached Williamsburg on the same day, April 26th, 1775. On the next day they brought back letters from Barton Randolph, on behalf of the town of Williamsburg, stating that the Governor's honor was pledged to return the gunpowder, though he had not fixed the time, denouncing a conflict of arms, and advising that matters should be quieted for the present.<sup>95</sup> The assembly at Fredericksburg appears to have sought the advice of Washington, and he seems to have advised against marching to Williamsburg.<sup>96</sup> After adopting very strong resolutions, the assembly dispersed.<sup>97</sup> Meanwhile, news of the British attack at Concord, and of the battle of Lexington reached Virginia, and was published in a supplement to the Virginia Gazette of April 26th. Patrick Henry, who seems to have seen that the war was inevitable, now determined to march against Lord Dunmore, as a means of solidifying the opposition to British encroach-

the City. We further find, that on the next day, when every thing was perfectly quiet, your Lordship sent a message into the City by one of the Magistrates, which you delivered with the most solemn asseverations, that if any insult was offered to Captain Fox or Captain Collins, you would declare freedom to the slaves, and lay the Town in ashes; and that you could easily depopulate the whole Country. What could have provoked your Lordship to this we cannot discover, as both Captain Fox and Captain Collins, and several other officers, had been frequently seen walking publicly in the streets, and no one offered either of them the least injury; nor can we discover ~~any~~ any reason to believe that any thing of the sort was intended. The inhabitants, my Lord, could not but be exceedingly alarmed at so great a threat; many people considered it as a part of that general plan they had heard was recommended in England, and which was discovered in your Lordship through accident; they, however, did nothing more, than we can learn, than continue their former patrols."

"A report of these several matters having soon circulated throughout almost the whole Country, with this addition, that the most valuable guns in the Magazine had been stripped of their locks, and that the inhabitants of Williamsburg were in the most imminent danger, the minds of the people in general were much agitated; they assembled in different quarters, and a number of expressions were sent to inspire and obtain a true state of things. It appeared that some of the most malicious, and ~~an~~ account was received from the members of the Assembly at Concord. The General, it seems, had sent an order to seize a Provincial Magazine; this, your Lordship may suppose, increased the apprehensions of our people, as it held out to them an additional proof that steps you had taken formed a part of that general system adopted to render the Colonies defenceless. If upon such alarms, when the minds of the people were excited to an extreme degree, some irregularities were committed, the causes may be found in these extraordinary attempts to stretch the power of Government so much beyond their ancient and constitutional limits."

95. Shenandoah Literary Messenger, July, 1868, p. 26.

96. Sparks, Washington, II, 504 to 509.

97. Force, American Archives, 4th Series II, 443.



sent; and thoroughly convincing the counties of Virginia to the necessity of raising and equipping an army for the King's service.<sup>98</sup> Henry obtained the sanction of the Hanover Committee, and the expedition against Funnery, on May 1st. Henry addressed the volunteers assembled at New Castle, and placing himself at their head marched toward Williamsburg. Posine Parks Gordon was despatched with sixteen men to Lanerville, in King William County, the home of the Virgin's former Receiver-General, Richard Gordon, with orders to demand of that officer three hundred and thirty pounds sterling, as compensation for the powder removed from the magazine by Lord Dunmore. In case of his refusal to pay this sum of money, Gordon was to be taken prisoner, and Gordon was ordered to report to Henry at Doncaster Ordinary, on the 11th of May, to Williamsburg. Captain Henry at the head of one hundred and fifty men then proceeded toward Williamsburg. On reaching Doncaster Ordinary, Henry and his forces waited for Ensign Goodfall, who soon reported that Colonel Cortin was absent from home. On finding that he could not frighten the men under Henry by threats and recollections, Funnery sent Farmer Denton, the son-in-law of Colonel Gordon, with an offer to pay to the volunteers the sum demanded. After this amount had been paid, and a receipt given therefor by Henry, the volunteers were dismissed and returned to their homes; and Henry under the name of an escort, who accompanied him as far as Maryland, left Hanover to attend the second meeting of the Continental Congress.<sup>99</sup>

<sup>98</sup> See Henry, Patrick Henry, & vol. 1, p. 279, note 7.

Force,

<sup>99</sup> American Archives, 4th Series, 11, 841. The Hanover Volunteers were joined by great numbers of volunteers from the other counties. ~~Not only was Henry regarded as a man of legitimate circumstances, he had been very active in encouraging men to arms and exciting a spirit of revolt~~



resolutions assuming responsibility for the movement, detailing its progress and result, testifying to the orderly conduct of the volunteers, and thanking the volunteers of other counties who had joined in the expedition.<sup>100</sup>

Although Henry was denounced to the Ministry by Lord Dunmore as "a Man of desperate circumstances, and one who has been very active in encouraging disobedience and exciting a spirit of Revolt among the People for many years past";<sup>101</sup> and a proclamation against him and the men who had assisted him in the expedition for the recovery of the powder, was issued by the governor and his council;<sup>102</sup> yet the sentiment of the masses of the colony seems to have been overwhelmingly in favor of Henry and his followers. While the majority of the Council, and some of the leading men in the lower counties and in the city of Williamsburg, seem to have thought the action of Henry rash and ill-advised, and likely to precipitate hostilities with England, they seem to have lost sight of the fact that war was inevitable, that it had indeed already begun; and that nothing was to be gained by waiting. With Henry's action, the committees in county after county expressed themselves as in accord, and many of them adopted resolutions thanking the Hanover Volunteers for their ~~part~~<sup>part</sup> in the matter.<sup>103</sup> These resolutions were published and seem to have been very effective in unifying public opinion in the colony. It is worthy of notice, however, that most of the resolutions endorsing

<sup>100</sup> Force, American Archives, 4th Series, ii, 540.

<sup>101</sup> Bancroft Transcripts, Library of Congress, State Papers Colonial, Virginia, vol. 195. Letter from Dunmore to the Secretary of State, dated Nov 15th, 1775.

<sup>102</sup> Force, American Archives, 4th Series, ii, 576. John Page, one of the Council, seems to have favored a restoration of the powder.

<sup>103</sup> See Kent, ~~Amherst and Middlesex~~ Louisa, Scotland, Virginia, George, Prince William, Loudoun, Prince Edward, Frederick, Winchester, Lancaster Volunteers, and Williamsburg Volunteers. See Force, American Archives, 4th Series, ii, <sup>47</sup>539, 547, 567, 710, 936, 1020.





the execution of Henry and his Volunteers, and their refusal on the King's Receiver-General, came from the lower counties.

While the second Continental Congress, which had assembled in Philadelphia on May 10th, 1775, was in session, the Governor of Virginia, acting under the instructions of the British Ministry, called a meeting of the Virginia Assembly so that they might consider the proposals of Lord North, which had been styled by the Tories, "the Olive Branch." His repeated refusals to convene the Assembly, and his arbitrary conduct in removing the gunpowder, followed by his proclamations against Henry and the men who had acted with him in making the reprisal on Mr. Martin, had <sup>only</sup> increased the mutual dislike that characterized the relations between Dunmore and the people of the colony. When it was certain that the House of Burgesses were to be convened, Peyton Randolph, who was one of the Virginia delegates to the Continental Congress, and the President of that body, left Philadelphia on May 28th, so that he might preside over the Virginia Assembly, whose ~~Breaker~~ <sup>104</sup> he was. When, after so many provocations, the House of Burgesses were again assembled as a legislative body instead of as a Convention (the representatives having been elected to serve in either capacity, depending upon whether the Assembly was allowed to sit or not) its members were not on the best of terms with the Governor, or with the majority of the Council who had supported him in his refusals to allow a meeting of the Assembly, and in his proclamation of May 19th, 1775. <sup>105</sup> Moreover, the representatives, when they assembled

<sup>104</sup> Journals of the Continental Congress, vol. 11, 1775, p. 58.

<sup>105</sup> The letter of Lord Dunmore that seems to have had great effect in arousing the people of Virginia against him, is in Force, American Archives, 4th Series, 1, 1061.



in Williamsburg on June 1st, had just been thrown into a state of great excitement by the news of the actual beginning of hostilities around Boston; and a rapidly increasing realization of the fact that England meant to uphold the doctrine of Parliamentary supremacy at any cost; not to omit any very hearty reception of Lord North's proposals, which were considered by many as a Ministerial device to divide the colonies, and put them completely at the mercy of Parliament.

It does not seem that Dunmore expected any satisfactory outcome of the Assembly's consideration of the Ministerial programme; for on May 15th, in a letter notifying Lord Dartmouth that he had called the Assembly, Dunmore wrote as follows:

"Your Lordship's dispatches of the 2nd of March are just come to hand, in consequence of which I have called the Assembly, to meet on Thursday the 1st of June.

"The just and equitable expectations of the Government and Parliament of Great Britain, from so fair an opening for a reconciliation, as is presented to the Colonists by the resolution of the House of Commons, could not be disappointed, if the People of this Country were still under the influence of reason, or had not already thrown off every inclination to an accommodation of differences; it is no longer to be doubted, that Independence is the object in view, and I am of opinion, that no warning will deter, nor offers divert them from making every attempt their leaders advise to establish it.

"It is a considerable time that intimation has arrived here of the favorable disposition of Parliament exactly as it is now transmitted by your Lordship; but it seems, hitherto rather to have urged the people to hurry on to extremities; the foregoing part of this letter is a proof of what I allude to, Lord North's Plan, as it has ~~been~~ been called, was known before the transactions there in related took place. [These transactions were the repeal of Henry and the resolutions on the same.] The Newspapers have already begun to prejudice the people against it, and to call it only a Ministerial device to divide the Colonies, and it is insisted that no Negotiation be entered upon, without the repeal of all the Acts complained of, as a preliminary; I therefore must inform your Lordship, that I have little or no good expectations from the resolutions of the approaching Assembly of Virginia, the violence of the temper of which has already been so publicly manifested; but your Lordship may be assured, I shall exert my best abilities, and spare no pains or labour to accomplish a work of such great and national importance, in which I shall be warmly seconded by the best part of His Majesty's Council."



Not in the desire of the Colony seem to have hoped for any very conciliatory conduct from Dunmore, for in addition to his <sup>rather doubtful</sup> conduct and false statements regarding the removal of the gunpowder, and his proclamations against those who had opposed his action in that matter, sale of his letters to Lord Dartmouth, misrepresenting conditions in Virginia, had been published among the documents laid before Parliament, and republished in Virginia.<sup>107</sup> Before proceeding to a consideration of Lord North's proposals, the House of Burgesses began an investigation of Dunmore's conduct. The House requested him to give them exact information regarding the number of militia called into service, the expense incurred, and the duty performed by the troops since the Indian expedition. A committee was also appointed to inspect the public magazine and report on its condition, and on the condition of the stores belonging there. The governor was much annoyed by the appointment of this committee, and when they requested access to the magazine, he sent a rude message to the House, pretending not to know of their appointment. To this reply the Burgesses replied in a dignified address, which, nevertheless, exposed the deceit of Dunmore, who then thought it best to inform them of his reasons for removing the ammunition and arms from the magazine. In this message, he claimed that the removal was occasioned by the insecurity of the magazine; and he promised that every thing should be returned as soon as the building should be safe again.<sup>108</sup>

On the next day, June 7th, Dunmore secretly moved his family to the British ship, *Foxy*, anchored off York, and left a message for the House, in which he alleged that he and his family were no longer safe in

<sup>107</sup> *Forster, American Archives*, 4th Series, i, 1061.

<sup>108</sup> *Journals of the House of Burgesses, 1772-1776, 1774, 1775.*



Williamsburg. The House assured him that he would be safe there, and requested him to return so that the public business could be transacted. This Dunmore refused to do, and from his new quarters on the Fowey he sent complaining messages to the Burgesses, demanding the acceptance of Lord North's proposals; ~~xxx~~ and finally he attempted to get the House of Burgesses to attend him on board the ship. This the ~~House~~ <sup>the members of the body</sup> refused to do, looking upon it as a breach of their privileges. The committees appointed to consider the state of the colony, and the causes of the recent disturbances, made lengthy reports which justified the action of the people in the powder disturbances; and exposed the duplicity of Lord Dunmore. These reports were adopted by the House, and furnish a very complete account of the disturbances and their causes.<sup>109</sup> The ~~House~~ <sup>House</sup> also refused to accept Lord North's proposals, adopting as a reply to them, an able paper prepared by Thomas Jefferson, which became the basis of the reply made to these same proposals by the Continental Congress.<sup>110</sup> The magazine was repaired, and a stronger guard placed on duty there, after which a message was sent to Dunmore, asking that he restore the powder and arms, according to his promise; but his refusal to comply with this request, and by so doing to redeem his promise, leaves it a matter of doubt as to whether the promise was made in good faith. His last act during the session was his veto of the bill providing payment for the soldiers who took part in the late Indian war. This bill was vetoed on the ground that the money was to be raised by a duty on slaves imported into the colony. When the ~~House~~ <sup>House</sup> found that the Governor had failed to formally ratify the late treaty with the Indians, a committee was appointed to report that duty, and on the same day, June 14th, as the Governor had abandoned his post, and they could no longer legislate, the Assembly was adjourned to October 1st.

<sup>109</sup> Journals of the House of Burgesses, 1775-1776, 223, 224, 231 & 237, 253 & 262.

<sup>110</sup> 1817, 219, 220, 221.





This was the last session of the House of Burgesses, sitting as a colonial legislature; for although some of its members came together on October 18th, 1775, there were not enough present to transact business, and the "House adjourned till the next session" on the following day.<sup>111</sup> In March, 1776, the House met according to adjournment, but no more than thirty-five members appearing. And was not a sufficient number to transact business," the House adjourned to the first Monday in May, following. On this day "seventy members met, but did neither conduct any business nor adjourn, as a House of Burgesses."<sup>112</sup>

After the adjournment of the House of Burgesses on June 14th, 1775, the delegates from the various counties were summoned to meet in Williamsburg, for the third Virginia Convention. The Convention began its session on July 17th, and <sup>passed</sup> a number of resolutions for regulating affairs in the colony. It was already evident, with the governor a fugitive from the colony, that the representatives of the counties must take some step toward legislation. Wherefore the Convention did <sup>pass</sup> resolutions and recommendations; but the third Virginia Convention enacted ordinances; and appointed a committee of safety, which was to act as a prudential executive, now that the royal power in the colony had <sup>been</sup> ~~lowered~~ <sup>abolished</sup> entirely. As the functions of the local committees were carried on under the supervision, and control of the new Committee of Safety, their relations will be considered in the next chapter.

During the period between the second and third Conventions, the county committees had done an important work. The records of the committees that have been preserved show the many and varied functions that

<sup>111</sup> 1775, 282.

<sup>112</sup> 1775, 283.



were performed by them. Some of these consisted of <sup>the</sup> prevention of the publication of criticisms of the Continental Congress and the Conventions; <sup>112</sup> the punishing of violators of the association by publishing the names of the offenders; <sup>113</sup> the passing of resolutions against Dunmore's action in removing the power from the magazine at Williamsburg, and the passing of resolutions condemning Wemy and his Volunteers for their expedition against Dunmore; <sup>114</sup> suppression of gaming and drunkenness in the colony, and prevention of disorder and idleness; <sup>115</sup> unifying public sentiment in the colony against the "Slave Branch"; <sup>116</sup> securing in the counties the endorsement of the proceedings of the Convention of March, 1775; <sup>117</sup> raising and organizing militia in the different counties of the colony; <sup>118</sup> and arming the troops and securing ammunition for the protection of the colony. <sup>119</sup> But the main function of the county committee was the fact, that in performing the various duties roughly outlined above, it unified public sentiment in the ~~various~~ colony itself, and secured harmonious action from the colony as a whole. The county committee was the political machinery so necessary to the unity of action in any great political movement. Through its efforts the public sentiment of the various counties

<sup>112</sup> Force, American Archives, 4th Series, II, 134.

<sup>113</sup> Force, American Archives, 4th Series, II, 291, 347, 352, 1111.

<sup>114</sup> Force, American Archives, 4th Series, II, 395, 347, 443, 477, 479, 546, 546, 549, 549, 547, 640, 667, 681, 702, 710, 1013, 1640.

<sup>115</sup> Force, American Archives, 4th Series, II, 120.

<sup>116</sup> Force, American Archives, 4th Series, II, 701, 701.

<sup>117</sup> Force, American Archives, 4th Series, II, 114, 121, 129, 374, 381.

<sup>118</sup> Force, American Archives, 4th Series, II, 476, 611 to 615.

<sup>119</sup> Force, American Archives, 4th Series, II, 476, 611.



was moulded and given a clear-cut and definite expression. By its agency the various counties were organized into a compact and homogenous entity, ready to face the crisis into which they had been thrown by the policy of the British Government, and prepared for the assumption of their own government, when the royal power should break down and the King's executive <sup>be</sup> driven from the Virginia shores. It was in the work of these committees that the political organization of the revolution was perfected, and the importance of their work can hardly be overestimated by the most careful student of the revolutionary movement in the colony of Virginia.



## Chapter IV.

## THE VIRGINIA COMMITTEE OF SAFETY AND THE LOCAL COMMITTEES.

The second Continental Congress, which came together on May 10th, 1775, seems to have been very much divided as to the proper measures to be pursued toward the British Government. John Adams urged that the colonies should at once take up the government of the continent, raise an army and navy, and arrest the friends of the British Government to be held as hostages for the people of Boston, and then to open negotiations for peace and reconciliation.<sup>1</sup> The more moderate party, led by John Dickinson and John Jay, insisted on strictly defensive measures and another effort at reconciliation by means of a second petition to the King.<sup>2</sup> It was the latter view that was adopted by the Congress. But the continued aggressive policy of the British Ministry was, more and more, convincing the delegates that an armed conflict was inevitable; and Congress went to work to prepare the colonies for war, meanwhile hoping against hope that their second petition would be received more favorably than the first. The Provincial Congress of Massachusetts had requested Congress to take over the regulation and equipment of the army around Boston, and after serious consideration of the question, the request was granted, and George Washington was elected "Commander-in-Chief of the forces raised, or to be raised, in defence of American liberty." It was determined to increase the army around Boston by the addition of twelve companies of expert riflemen, who were to be enlisted

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<sup>1</sup> Life and Works of John Adams, ii, 411, Letter to James Warren, July 24th, 1775.

<sup>2</sup> Life of John Jay, i, 36.





*companies*

for one year, of which eight <sup>companies</sup> were to be raised in Pennsylvania, two in Maryland, and two in Virginia. Rules and regulations for the army were adopted, and an issue of three millions of dollars in paper currency was provided for, which the several colonies were asked to take the necessary steps towards redeeming. On June 21st, Thomas Jefferson, who had succeeded Peyton Randolph, as a delegate from Virginia, appeared in Congress, bringing with him the reply of the Virginia House of Burgesses to Lord North's proposals, which he had drawn up for that body.<sup>3</sup> On July 18th, it was recommended to the colonies by Congress, that they organize and train their entire militia, consisting of males between sixteen and fifty, and that they provide sufficient stores of ammunition. It was also recommended "to each colony to appoint a Committee of Safety, to superintend and direct all matters necessary for the security and defense of their respective colonies, in the name of their assemblies and conventions."

The principal papers ~~of~~ adopted by this Congress were as follows: an address "To the Oppressed Inhabitants of Canada," written by John Jay; "A Declaration by the Representatives of the United Colonies of North America, now met in Congress at Philadelphia, setting forth the Causes and Necessity of their Taking up Arms," and "A Petition to the King's most Excellent Majesty," both drafted by John Dickinson; "An address to the Inhabitants of Great Britain," written by Richard Henry Lee; "An address to the People of Ireland," written by William Livingston; and "A Reply to the Resolutions of the House of Commons of February 20, 1775," prepared by Thomas Jefferson, which followed the reasoning of the paper adopted by the Virginia Burgesses, replying to the same resolutions and also drafted by Jefferson.<sup>4</sup> Congress adjourned on August 1st.

<sup>3</sup> Journals of the House of Burgesses, 1773-1776, pp. 219 to 221.

<sup>4</sup> Ford, Journals of the Continental Congress, II, pp. 225 to 234, 212 to 218, 163 to 171, 158 to 161, 68 to 70; Ford, Writings of Thomas Jefferson, I, 18.



On July 17th, more than two weeks before the adjournment of the Continental Congress, the third Virginia Convention assembled at Richmond. The representatives to this Convention had been elected before the late meeting of the House of Burgesses, and among them was George Mason of Fairfax, who had been elected in the place of Washington, and who was destined to become one of the foremost Virginia statesmen. This Convention found the governor ~~was~~ absent from his post and threatening the colony, over which he had lately been the executive, with war and invasion. They determined to take up the reins of government, and took the necessary steps to place the colony in a posture of defence. The acts of this Convention were no longer in the form of recommendations ~~and resolutions~~, as those of the former Conventions had been, but they took the shape of ordinances, which were discussed and passed with the formalities of Acts of Assembly. It was determined to raise three regiments of one thousand men each, and in addition, five companies, aggregating four hundred and twenty-five men, who were to be posted for garrison duty along the western border of the colony. Patrick Henry, Thomas Nelson, and William Woodford were elected Colonels of the three regiments, in the order named; but Nelson declined the appointment, and only two regiments were raised at this time, Henry being put in command of the first regiment, while Woodford was given charge of the second.

On August 17th, the Committee of Safety was chosen by ballot, and Edmund Pendleton, George Mason, John Page, Richard Bland, Thomas Ludwell Lee, Paul Carrington, Dudley Digges, William Cabell, Carter Braxton, James Mercer, and John Tabb were the members selected to serve on that body ~~for~~ until the next meeting of the Convention, or for one year, in case the Convention did not meet within that time.<sup>6</sup> Robert Carter Nichol-

<sup>6</sup> Proceedings of the Virginia Convention of July-August, 1775, in Force, American Archives, 4th Series, iii, 383, 384.



las, Patrick Henry, Richard Henry Lee, Joseph Jones, and Thomas Jefferson, were named as a committee to prepare and bring in "An Ordinance for appointing a Committee of Safety, for the more effectual carrying into execution the several Rules and Regulations established by this Convention for the protection of this Colony." <sup>6</sup> This ordinance was read the first and second time on August 19th, and the third time on August 24th, when it was passed by the Convention.<sup>7</sup>

The ordinance provided that the Committee of Safety should assemble as soon as possible, at such time and place as should be decided upon by Edmund Pendleton, the member of the committee having the largest number of votes; that they should take oath "well and faithfully to execute the duties of their office," after which they should proceed to the election of a President and Vice-President, the latter to act as the presiding officer in case of the death or necessary absence of the President, and to the appointment of a committee-clerk, at such a salary as should be judged reasonable by the Convention. The committee was to be a standing recess committee with power to adjourn from time to time, and to such place as ~~they~~ <sup>it</sup> might think most convenient. The President, or in his ab-

<sup>6</sup> It is of interest to note that three of the members of the committee of safety here appointed, - Pendleton, Blair, and Sigbee, had been members of the committee of correspondence of 1773; while Blair and Sigbee had served on the earlier committee of correspondence, appointed in 1770 for communicating with the agents. Of the members who served on the committee for drafting this ordinance appointing the committee of safety, Nicholas, Henry, R.H.L., and Jefferson, had been members of the committee of correspondence of 1773; and Nicholas had also served on the earlier committee of correspondence of 1759.

<sup>7</sup> Proceedings of the Virginia Convention, *Forme*, American Archives, 4th Series, iii, 780, 789.



sence the Vice-President, was given power to call the committee together if any exigencies should occur to render an immediate meeting necessary. Six of the committee constituted a quorum sufficient for the transaction of business; and in case of the absence or sickness of either of the officers, the members present were authorized to choose from their number a President or Vice-President pro tempore.

The Committee of Safety, "or a majority of any six or more Members being present," were <sup>given</sup> ~~granted~~ full power and authority "to grant Commissions under their hands to any Officer or Officers, and to appoint any Commissioners, Paymasters, Commissaries, or Contractors, pursuant to the several Ordinances and Resolutions of this Convention, and to issue their Warrants from time to time to the Treasurer appointed by this Convention, or pursuant to their Ordinance, for the payment of all such sums of Money as are or shall be directed to be paid by this Convention to any person whatsoever, or shall be agreed to be paid by the said Committee to any Commissioner, Paymaster, Commissary, or Contractor, either for Provisions, Clothing, Tent, Arms, or other incidental charges, and for their expenses and trouble in procuring the same; and in general, to carry into complete and full execution all and every one of the Ordinances and Resolutions of this Convention, according to the true intent and meaning thereof."

The second section of the Ordinance provided that the Committee of Safety, or a majority of them, should have full power "to direct and appoint stations, marches, and encampments, for the Regular Forces to be raised," so that on all emergencies they might be employed for the protection of any part of the country exposed to danger; and they were given full power and authority to call into service "any Detachments or Companies of Minute-Men, or any parts of the Militia from any District or





County within this Colony, having regard to the convenience and vicinity of such District or County to the place of immediate danger, and also to the internal security of such District or County." If any Militia or Minute-men should be called out by the commanding officer or other officers, the Committee of Safety might also and determine on the necessity or propriety of making such drafts, and give such orders, as to discharging or continuing them in service, "as should seem to the committee most expedient and necessary for the advantage and security of the public.

It was further ordained, "That in case of any extraordinary emergency," the Committee of Safety should have power to call in any assistance that might be necessary, and could be secured, from either of the neighboring colonies; and if required by such colonies as might be exposed to danger ~~it~~<sup>it</sup> should have the power to send them any assistance that could be conveniently spared. It was provided that the militia at large of no county should be called into <sup>actual</sup> service, "except in cases of the most urgent and imminent danger, not continued, on any pretence whatever, longer on duty than their places can be supplied by Minute-Men, to be drawn from the most convenient Districts." All the chief officers of Regulars, Minute-Men, and Militia were to be under the orders of the committee of safety.

Until the forces of the colony could be raised and embodied, it was necessary that the militia and volunteer companies be called into service <sup>right be</sup> promptly in any time when the public security ~~was~~<sup>might be</sup> threatened. The committee of safety was given full power and authority to call into service, in cases of danger to be judged of by the committee, "so many Volunteer Companies, and such parts of the Militia," as ~~was~~<sup>it</sup> might think necessary for the defence and security of any part of the country; and the committee <sup>was</sup>



authorized to appoint commanding officers for the forces thus called in to service. Such volunteers and militia were to have the same allowances "as are appointed for the Militia in other cases."

The ordinance imposed upon the Committee of Safety the duty of acting as a central committee of correspondence:

"And in order to obtain the most Authentick intelligence in all matters of importance, and to avoid false alarms, Be it further ordained, That the Committee of Safety shall keep up a correspondence with the Committees of the several Counties and Corporations, the Commanding Officers, as well of the Regulars as the Minute-Men, and shall have full power to employ a sufficient number of look-outs and advice boats, at proper stations, and to engage necessary express-men, in different parts of the Country, to be in constant readiness to set out on the shortest notice, and shall issue their warrants, from time to time, to the Treasurer, for paying the same."

The Committee of Safety <sup>was</sup> ~~was~~ required to keep a book recording all <sup>its</sup> ~~its~~ transactions, and this record of <sup>its</sup> ~~its~~ proceedings <sup>it was</sup> ~~the~~ ~~was~~ required to lay before the next Convention, to whom the committee <sup>were</sup> ~~was~~ to be held "accountable for their conduct touching the premises, in every respect whatever." Each member of the committee was to receive for his committee service such reasonable allowance as the Convention should see fit to ~~name~~ designate. In case of apparent danger, the committee was ordered to move the Public Treasury and Public Records from Williamsburg to some place of safety, and it was provided that the expense of such removal should be borne by the public.

It was also provided that the chairman of each of the District Committees, provided for in an ordinance passed by this Convention for



raising and embodying a sufficient force for the defence and protection of this Colony, should have an equal right to vote in the election of officers whether there be a tie-vote or not; and that in case of a tie-vote in the District Committee, the matter should be fairly represented to the Committee of Safety, who should have the power to decide in favour of the candidate they might think fit.

It was further ordained that the Committee of Safety should have power, ~~and that was~~ <sup>it was</sup> accordingly ordered to

"collect together all the Arms lately taken away from the Public Magazine, and all other Arms purchased at the publick expense, at some place most convenient for that purpose, and that they repay the expense incurred by repurchasing the same; and also all such Ammunition and war-like Stores as are now the publick property in this Colony, or may hereafter be purchased on the publick account, and dispose of such Arms, Ammunition, and Stores, as they shall judge most conducive to the safety of this Colony, until the further order of this or some other Convention."

All persons were excluded from sitting or voting in the committee of safety, who should accept an office of profit or honorary appointment from the Crown; and no person holding a military office was eligible to membership. The committee were to continue in office until the next meeting of the Convention, or for one year, in case there should be no meeting of the Convention within that time.<sup>8</sup>

By this ordinance appointing the Committee of Safety, there was created in the colony of Virginia, a strong central body, a kind of general executive, with vast administrative and executive functions, but direct-

<sup>8</sup> Ordinances passed by the Virginia Convention, Series, American Archives, 4th Series, III, 297 to 311.

<sup>9</sup> 312, 410 to 410.



ly responsible to the Convention that had created it, and from which its members were drawn, for the manner in which the vast authority entrusted to it, should be exercised. During the recess between the meetings of the Convention, the Committee of Safety, while acting within the bounds assigned it in the ordinance that created it, had wide and far-reaching powers. Nor were its functions limited to administrative and executive acts for it was given certain judicial functions as well. All appeals from decisions of Courts-Martial had to be passed on by the Committee of Safety, and no sentence of death inflicted by a Court-Martial was valid unless it was confirmed by the committee. Briefly stated, the functions of the first Virginia Committee of Safety were: the commissioning of officers elected by the different District Committees; the commanding of all ~~the~~ the colonial troops of Virginia, Regulars, Minute-Men, and Militia; appointing agents to equip and feed the forces raised, or to be raised by the colony, and issuing contracts to individuals who could furnish the troops with supplies; paying the military expenses of the colony by issuing warrants on the Treasurer; and acting as a central Committee of Correspondence to communicate with the committees of the various counties and corporations of the province.<sup>10</sup> In military matters the determinations of the Committee of Safety were final, not only on such matters as the supply and equipment of the army, but in issuing orders and commands, supervising the disposition of the forces, and regulating their movements.

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<sup>10</sup> See Ordinances of the Convention, Force, American Archives, 4th. Series 418 to 420, iii, Ordinance iii, "An Ordinance appointing a Committee of Safety, for the more effectual carrying into execution the several Rules and Regulations established by this Convention for the protection of this Colony." See also Force, American Archives, 4th Series, iii, 406, 418. Hunt, The Provincial Committees of Safety of the American Revolution,





In calling out the volunteers and militia, assigning them to posts of duty, determining their time of service, and selecting their commanding officers, the Committee of Safety had final authority; and to its discretionary power there was no limit, so long as it acted within the broad field assigned it by the Convention. In so far as the Committee of Safety carried on a correspondence with the neighboring colonies and with the Continental Congress, it succeeded to part of the duties of the former Intercolonial Committee of Correspondence, and in addition the Committee of Safety performed a function which the earlier Committee of Correspondence does not seem to have performed,- it maintained a correspondence and cooperated with the committees of the various counties and corporations of the colony, acting as a central medium of communication and conveyer of any news of importance to the various localities.

Among the other ordinances passed by this Convention, the "Ordinance for regulating the election of Delegates and ascertaining their allowances, and also for regulating the election of Committee-Men in the several Counties and Corporations within <sup>u</sup> ~~this~~ <sup>^</sup> Colony, and for other purposes therein mentioned", is of especial interest in <sup>a</sup> consideration of the work of the Virginia Committees.<sup>11</sup> By the provisions of this ordinance some new duties were imposed upon the County Committees, the election of their members regulated and the number of members limited,

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pages 110 to 117, gives a short description of the Virginia Committee of Safety and outlines its activities.

<sup>11</sup> Force, American Archives, 4th Series, iii, 420 to 424, Ordinance iv, "An Ordinance for regulating the election of Delegates and ascertaining their allowances, and also for regulating the election of Committee-Men in the several Counties and Corporations within this Colony, and for other purposes therein mentioned."



and their functions definitely stated. After providing for the annual election of delegates to represent the counties and corporations of the colony in the Convention, and making the basis of suffrage the same as that for the election of Burgesses, under the last election law of the ~~then~~ colony, the ordinance provided that the sheriffs of the respective counties and the Mayors of the boroughs of Norfolk and Williamsburg should conduct the elections of delegates, which should be held in the month of April, on the days appointed by law for holding the County and Corporation Courts, at the places where the Courts were customarily held. In case "any Sheriff shall neglect or refuse to act, or there be no Sheriff or Mayor," the clerk of the Committee for such County or Corporation was empowered to hold the election in the same manner as was "directed by law in the election of Burgesses in this Colony." The ordinance made provision for an annual meeting of the Convention on the first Monday of May; but the President, or in event of his absence, the Treasurer of the Colony, Robert Carter Nicholas, was empowered to call a meeting of the Convention when necessary. After fixing the eligibility requirements governing the election of members of the Convention, and defining bribery, corrupt practices, and other causes of disqualification for service in that body, the ordinance, in sections ten to fifteen, inclusive, laid down the provisions governing the election and service of members of the various county and corporation committees. The preamble of section ten stated the reasons for such provisions:

"And whereas the mode hitherto pursued in electing the Committee-Men in the several Counties and Corporations in this Colony, under the Continental Association, has not been uniformly the same, and many inconveniencies have arisen by the supernu-



merary Committee-Men elected in some Counties; and whereas, also, no limitation has been fixed for their continuing to discharge that duty, and they may assume to themselves a power of acting under their present appointments at all times in future, which is incompatible with the principles of representation, and the just control that the electors ought to have over them: For the removing the present inconveniencies, and better regulating the elections of Committee-Men hereafter," it was ordained:

First, that the freeholders of every county and corporation in the colony, and the landholders of West Augusta County, should have the right to choose twenty-one freeholders of their respective county or corporation as a committee <sup>for carrying</sup> ~~necessary~~ "into execution the Association, and such other measures as the Continental Congress, or General Convention of this Colony, have, or hereafter may, from time to time, direct and ordain, and forwarding all publick expresses of importance, the expense of which shall be paid by the publick. And the said Committees shall have power to appoint, out of their Members, a Committee of Correspondence, and such other Sub-Committees as may be found necessary, to superintend the different Districts of their respective Counties and Corporations, with an appeal, where any person shall think himself aggrieved, to the County or Corporation Committee at large, and accountable to them for all their proceedings."

Secondly, that the county and corporation committees should be elected annually in November, at the time and place of holding the county or corporation court, from lists prepared by each person in the county or corporation, qualified to vote for Burgesses, and sub-



mitted to the chairman of the committee, or in his absence, to the clerk. These lists were to be fairly counted by the chairman or clerk in the presence of such of the committee who desired to witness the count, and the twenty-one persons having a majority of the votes were to be declared elected as a committee and their names published.

Thirdly, the inhabitants of Pincastle County and the District of West Augusta, who, in spite of the fact that they had been for some time in possession of their lands under surveys, entries, or orders of the Council, had not been able to obtain patents for the same on account of the unsettled condition of government in the colony, and who were therefore not freeholders in the legal sense of the term, were declared eligible to vote for members of the Convention and committee-men provided they were in possession of the amount of land, the legal title to which would constitute them freeholders. This requirement was the same as that which governed the right of suffrage in the election of Burgesses, that is, the possession for at least a year previous to the election of twenty-five acres of land with "a house and plantation thereon," or one hundred acres of unseated land. Equity required that these persons who had taken up lands, but whose patents giving them a legal title thereto had not been obtained <sup>yet</sup> through no default of their own, should be allowed the right of representation. In order to <sup>prevent</sup> persons who were not qualified to vote, from taking part in the election of committees, the present committee was empowered to appoint three persons, under oath, to determine all disputes about the right of a person to vote.

Fourthly, the committee was empowered to elect one of its own members as chairman to preside over its meetings, and to appoint any





any suitable person as clerk, who should be allowed such reasonable compensation for his services as should be deemed proper by the committee, and this compensation should be raised by an amount levied by the court of the county or corporation. The committee was required to keep a written record of its proceedings, and such records were to be signed by the Chairman and read by the clerk at every meeting; and it was authorized to convene "at any time or times" during its appointment, and its members sitting as a committee could "hear, consider, and determine, on all such matters as may <sup>fall</sup> properly ~~fall~~ under their cognizance, according to the nature and intention of their institution. However, it was provided that "the Committees elected as aforesaid shall, in all their inquiries and decisions, confine themselves within the line of duty prescribed by the Continental Congress and the General Convention, and shall not assume to themselves any other power or authority whatever."

Fifthly, that the committee should be empowered to choose a pro tempore chairman or clerk, in case either of the regular officers might be absent.

Sixthly, that the provisions of this ordinance might be duly carried into execution, it was provided that "if any Sheriff, Mayor, Chairman, or Clerk of a Committee, or any other person named" therein, "who is required to do any particular act, or perform any certain duty, shall perversely, obstinately, or wilfully refuse or neglect to comply with the directions of this Ordinance, such person so offending, and being adjudged guilty thereof by the Committee of the County or Corporation where such delinquency may happen, shall be deemed an enemy to American liberty and the welfare of this Country,



and subject to the censures of the Continental Association, in such cases provided." <sup>12</sup>

Not only were the county committees regulated, and their duties and mode of election, provided for by the ordinance of this Convention; and the Committee of Safety created and its duties enumerated by another ordinance; but the "Ordinance for raising and embodying a sufficient Force for the defence and protection of this Colony", <sup>13</sup> provided for District Committees. The colony was subdivided into sixteen Districts, in the following manner:

"one District to include the Counties of Accomack and Northampton; one other the Counties of Princess Anne, Norfolk, the Borough of Norfolk, and the Counties of Mansemond and Isle of Wight; one other, the Counties of Southampton, Sussex, Surry, Brunswick, Prince George, and Dinwiddie; one other, the Counties of Mecklenburgh, Lunenburg, Charlotte, Halifax, and Prince Edward; one other, the Counties of Amelia, Chesterfield, and Cumberland; one other, the Counties of Henrico, Hanover, Goockland, and Louisa; one other, the Counties of Pittsylvania, Fincastle, Bedford, and Botetourt; one other, the Counties of Buckingham, Amherst, Albemarle, and Augusta; one other, the Counties of Elizabeth City and Warwick, Counties of Gloucester, Middlesex, Essex, King and Queen, and King William; one other, the Counties of Lancaster, Northumberland, Westmoreland, and Richmond; one other, the

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<sup>12</sup> Force, American Archives, 4th Series, iii, 422, 423.

<sup>13</sup> Ibid, 397 to 411.



Counties of Culpeper, York, James City, the City of Williams-  
burgh, and the Counties of Charles City and New Kent; one oth-

er, the Counties of Orange and Panquier; one other, the Count-

ties of Caroline, Spottsylvania, King George, and Stafford;

one other, the Counties of Prince William, Fairfax, and Lou-  
doun; and one other District to include the Counties of Berk-  
ley, Frederick, Sumner, and Hampshire; and the Inhabitants of  
West-Augusta are ~~are~~ to compose one entire District." <sup>14</sup>

In each of these Districts, except in the one composed of the  
counties of Accomac and Northampton, the "Eastern Shore" of Virginia,  
there was to be raised a "Battalion" consisting of five hundred men,  
who were to be divided into ten companies of fifty men each. At the  
head of each battalion there should be a Colonel, Lieutenant-Colonel,  
and Major, and each company should have the following officers, Cap-  
tain, Lieutenant, Ensign, and two Sergeants. Besides these officers,  
each company was to have a Drummer and Fifer, and the battalion was  
to be allowed in addition to its Colonel, Lieutenant-Colonel, and  
Major, a Chaplain, Adjutant, Quartermaster, Surgeon, two Surgeon's  
Mates, and a Sergeant-Major. The two "Eastern Shore" counties were to  
furnish a regiment, consisting of six hundred and eighty men, divided  
into ten companies of sixty-eight men each. The regiment should be  
commanded by the same general officers as commanded a battalion, and  
each company should have a Captain, two Lieutenants, an Ensign, and  
three Sergeants. <sup>15</sup>

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<sup>14</sup> Ibid, ~~400~~ 400, 401.

<sup>15</sup> Ibid, 401.



The appointing of the Colonels, Lieutenant-Colonels, Majors, Captains, Lieutenants, Ensigns, and Commissaries of Musters, for the regiment to be raised on the "Eastern Shore" and for the battalions of the several other Districts, was provided for in the following manner:

"The Committees of the Counties of Accomack and Northampton shall each appoint six of their Members as Deputies, to meet in one General Committee, at such time and place as shall be appointed by the Chairman of the Committee of the said County of Accomack; which place shall be most central and convenient for the meeting of such Deputies, and notice thereof shall be given by such Chairman, to the Chairman of the Committee of the said County of Northampton, at least ten days before the time of meeting; which Deputies having met, according to such appointment, shall settle the number of Minute-Men to be enlisted in each County, and shall proceed to the choice of the several Officers aforesaid. And to prevent inconveniences, which may arise from the Deputies so to be appointed not being able to attend, the Committee of each County shall appoint six others of their Members to supply the places of such as are first named, and whose attendance at the General Committee may be prevented by sickness or any other accidents." 16

It was further ordained that the Committees of the counties of Elizabeth City, Warwick, York, James City, Charles City, and

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16 Ibid, 401.





New Kent should appoint four of their members, and the Committee of Williamsburg two of its members, as deputies to meet as a General Committee for their District; that the Committees of the counties of Princess Anne, Norfolk, Nansemond, and the Isle of Wight should appoint four of their members, and the Committee of the borough of Norfolk two of its members, to meet as the General Committee of that District; and that the Committees of the several other counties should, in like manner, appoint three of their members as deputies to meet ~~in~~ in one General Committee for their respective Districts. Each of these District Committees should have the same functions, - the appointment of the battalion officers, and the company officers above the rank of Ensign, and including them also; and the decision as to the number of Minute-Men to be enlisted in each county, city, or borough.

It was the duty of the Committee~~s~~ for each County or borough to appoint a certain place within its jurisdiction as a place of rendezvous, where the Captain and other officers of each company might present their company for inspection as soon as it was complete. When the company had been enlisted, its captain was to give immediate notice to the Chairman of the Committee, who was then required to summon all the members of the Committee. When a majority of the Committee had come together they should either review the company, or appoint three or more of the members, to perform that duty. If it should <sup>then</sup> appear that the Company was complete, of able and proper men, regularly enlisted, according to the terms and regulations prescribed by the Convention, the Committee should grant to the Captain a certificate, which ~~certificate~~ should state "the day when the



said Company first appeared complete, at the particular place of rendezvous in the County, City, or Borough;" and this certificate should be sent by the Captain to the Committee of Safety, which should keep a record of the same, and issue their commissions to the officers of the company.

As soon as the <sup>companies of</sup> Minute-Men in each District were enlisted, <sup>and</sup> inspected, and approved by the District Committee, they were to be formed <sup>one</sup> into a battalion in each District, and kept under training by the Adjutant for twenty successive days, at some convenient place appointed by the District Committee. After this service of twenty days in training, the battalion should be allowed to separate, each company thereof being allowed to go to its county; but on condition that they muster and drill on four successive days in each month, except December, January, and February, at such times and places as might be appointed by their respective Captains. Moreover, twice every year the several companies of Minute-Men were to form themselves into distinct battalions, within their respective Districts and continue in regular service and exercise for twelve successive days at each meeting, at such places within each District as might be decided upon by the Committee. For this purpose the sixteen Districts of the colony were grouped into Northern and Southern Districts and regular days in May and in October assigned for the beginning of battalion drill and exercise.<sup>17</sup>

During the period between the Convention of July and that of December, 1775, the county committees seem to have been fairly active. Not only did they have their older duties to perform, but the creation of the Committee of Safety, with which they had to cooperate,

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<sup>17</sup> Ibid, 402.



and the additional functions imposed on them in the raising and embodying of troops, in whose enlistment they had a large part by their representation on the District Committees, made their duties heavier and more important. In this interval between the two Conventions of 1775, the county committees were active in detecting and punishing violations of the Association, and in censuring those whose criticism of Congress or the Convention showed them to be inimical to the colonial cause.<sup>18</sup> Dunmore, now a fugitive on board <sup>a ship of</sup> the British fleet, was carrying on a system of depredations along the coast of the colony he had been sent out to govern, and the committees were active in trying to circumvent his plans by preventing as far as possible any communication between him and any Tories in the Tidewater country.

The ordinance of the Convention of July, 1775, which provided for the regular election of a committee for each county, gave these committees, besides the sanction of public opinion which they had already, the sanction of <sup>quasi</sup> legal regularity; for in so far as the Convention was a representative assembly of the colony it was looked upon by the people of the colony as a law-making body, and its ordinances carried with them the public consent which makes any rule so backed up, nearly self-enforceable. After the passage of the ordinance regulating the election and duties of the county committees, and fixing their term of service, there was small <sup>reason</sup> for looking upon

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<sup>18</sup> Force, American Archives, 4th Series, iii, 218, 431, 444, 655, 794.

These resolutions will give some idea of the action of the committees of various counties regarding offences against the Association.



them as revolutionary. Viewed from the strictly technical standpoint, they may have been so regarded; but in so far as they were the representative expression of the popular will, and the only possible expression since the policy of forbidding the House of Burgesses to meet and consider the colony's grievances, or to legislate for the people's needs- the committees, elected by the regularly qualified electorate, were to all intents and purposes legal bodies. At any rate they were so regarded by the people of the colony, and so far as the writer has been able to determine from a careful examination of their records, the local committees seem to have acted with both moderation and wisdom on most occasions.

The method of procedure in the District Committee may be illustrated by examining the minutes of the proceedings of the committee, representing the District composed of the Counties of Elizabeth City, Warwick, York, James City, Charles City, New Kent, and the city of Williamsburg. On September 11th, 1775, the deputies from the several County Committees of the District and from the city of Williamsburg, met at the court-house in Williamsburg. The deputies, having assembled, produced their certificates, signed by the clerks of the several committees, as credentials "of their deputation to represent the several Committees in the General Committee for the said District," and proceeded to the choice of a chairman of the District Committee. Robert Carter Nicholas was chosen as the chairman, and William Russell was appointed clerk. It was then decided that officers should be elected for the <sup>regular</sup> troops to be raised in the District, and this having been done, it was recommended that the regular of-





officers so appointed should "proceed with the utmost expedition to enlist, within this District, one Company of Regulars, to consist of sixty-eight men, rank and file;" and that the said officers should rendezvous with the said company in Williamsburg until they should receive further orders from the Committee of Safety. The meeting adjourned till the following day, when the District Committee took into its consideration "the proper arrangement of Minute-Men, to be enlisted in this District, in pursuance of an Ordinance of the General Convention," coming to a decision that the following enlistment should be made: "in the County of Elizabeth City, one Company of 50 men; in the County of York, two Companies of 50 men each; in the County of James City, one Company of 50 men; in the County of New Kent, two Companies of 50 men each; in the County of Charles City, two Companies of 50 men each; and in the City of Williamsburgh, one Company of 50 men, to be commanded by their proper officers." The officers for each company were then appointed, the commissary of musters chosen, and Williamsburg decided upon as the place for rendezvous of the troops. After deciding that public advertisement should be made to secure the bids of such as should be willing to contract for furnishing supplies, William Finnie was appointed "to see to the mounting", and take charge of the cannon, and the meeting adjourned.<sup>19</sup> The procedure in the various District Committees was so similar to the procedure in the meeting just examined, that we may take it as a fair type of the work of these committees.

Few changes were made in the committees by the Convention of Dec-

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<sup>19</sup> Force, American Archives, 4th Series, iii, 687, 688, Meeting of the Williamsburg District Committee.



ember, 1775- January, 1776. The Convention, on December 4th, 1775, resolved, "That the Committee of Safety be revived, and that they continue to exercise the powers with which they were vested by the several Ordinances until the end of this session."<sup>20</sup> The proceedings of the Committee of Safety were laid before the Convention, and with its proceedings the correspondence of the committee with the Virginia delegates to the Continental Congress and the letters lately received by the Committee from the Committee of the County of Elizabeth City. These letters were referred to a committee appointed to report to the Convention such as might concern the public.<sup>21</sup>

On December 16th the Convention proceeded, by ballot, to the appointment of a Committee of Safety, electing the following members: Dudley Digges, John Page, Paul Carrington, Edmund Pendleton, James Mercer, Thomas Ludwell Lee, William Cabell, Richard Bland, Joseph Jones, John Tabb, and Thomas Walker. The changes in the Committee being the election of Joseph Jones, and Thomas Walker as new members of the committee in the places of George Mason, whose bad health had prevented him from being an active member of the former committee,<sup>22</sup> and Carter Braxton, who had been elected as a delegate to the Continental Congress. The treatment of Patrick Henry by the Committee of Safety, <sup>where</sup> ~~the~~ <sup>seems to have been</sup> ~~quorum of which~~ <sup>appears</sup> ~~was~~ greatly influenced by Edmund Pendleton, ~~seems~~ <sup>to</sup> have created some opposition to Pendleton among the adherents of Henry. Instead of having the largest number of votes,

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<sup>20</sup> Force, American Archives, 4th Series, ~~1775~~<sup>IV</sup>, 77, Virginia Convention Proceedings.

<sup>21</sup> Ibid, 77, 78.

<sup>22</sup> Force American Archives, 4th Series, v, 760, Letter from Mason to Washington, April 2, 1776.



as had been the case when the committee was first chosen, Pendleton was fourth man on the new committee, Digges, Page, and Carrington having a larger number of votes. Without entering into any discussion of the opposition of Pendleton to Henry, from the military point of view, it seems that Pendleton, the leader of the Conservatives, had not yet forgotten the Robinson investigation and the fight over the Stamp Act Resolutions, in which Henry had been the leader, and in which he had wrested away from Pendleton and his older associates their leadership of the House of Burgesses. It sometimes takes long<sup>a</sup> time for old political wounds to heal, and <sup>in the scars which remain</sup> cancerous growth of jealousy thrives best. ~~in old scars~~ Whether Henry would have been as potent in battle as he was in the legislative hall, is one of the historical might-have-beens, for the policy of Pendleton and his associates on the Committee of Safety kept Henry from having a trial in the military operations against Lord Dunmore. Without impugning the motives of the Committee of Safety's President, who in all probability acted in good faith, mistrusting Henry's military ability, it appears that his prejudices led him to conclude that Henry would not be a success as a soldier, and his abilities were not put on trial. That many in the colony did not believe that the Committee of Safety had given the Hanover leader a square deal is evidenced by the resolutions of the soldiers of both Virginia Regiments.<sup>23</sup> However, as this <sup>military</sup> treatment of Henry influenced his resignation, and sent him back to the Convention, where his leadership was badly needed, it was probably a blessing in disguise. There is not the slightest doubt that <sup>to</sup> his leadership was due the advanced position held by the colony; and in

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<sup>23</sup> Virginia Gazette, March 1, 1776; March 22, 1776. For a discussion of the dispute between Henry and the Committee see Henry, *Life of Patrick Henry*, i, 331 to 357.



the Convention of ~~May-July~~ <sup>May-July</sup>, 1776, he played a prominent part in the fight for resolutions declaring for independence, and in the formation of the State Constitution which was then adopted.

Among the seven ordinances passed by the Convention of December, 1775-January, 1776, there was one for reviving and amending the ordinance passed by the preceeding Convention, creating the Committee of Safety. This new ordinance gave to the second Committee of Safety all of the power and authority that had been granted to the first Committee of Safety in the ordinances of the former Convention. The new ordinance declared that the Committee of Safety, "or any six or more of them, shall have and exercise all the powers and authorities given to the Committee of Safety in and by the said recited Ordinance or any other Ordinance or Resolution of Convention,<sup>24</sup> from and after the passing hereof, ~~///~~ until the end of the next session of the General Convention, or for one year, in case the Convention should not meet within that time." And in addition to the powers already granted, this ordinance authorized the new Committee of Safety, "to have full and ample powers, during the recess of Convention, to direct all such measures and military operations, as, in their judgment, shall be necessary for the publick security." The Committee was also given the right to appoint an "assistant Clerk, when they shall think the same necessary, who shall have such an al-

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<sup>24</sup> Force, American Archives, 4th Series, iii, Ordinances of the Virginia Convention. See especially Ordinance iii, "An Ordinance appointing a Committee of Safety, for the more effectual carrying ~~and~~ into execution the several Rules and regulations established by this Convention for the protection of this Colony." This was the "recited Ordinance" referred to in the new ordinance.





allowance" for his services as might be thought reasonable by the Convention. It was provided that no officer should resign from his command without first obtaining the consent of the Convention or of the Committee of Safety; ~~and~~ and it was further ordained that Thomas Everard and James Cooke "shall be and they are hereby appointed Commissioners, to examine, state, and settle such Accounts as shall be referred to them for that purpose by the Committee of Safety; each of which Commissioners shall be allowed such salary as the Convention or Committee of Safety shall determine."

The seventh Ordinance of this Convention,<sup>25</sup> which was intended to provide for the punishment of the enemies of America in the colony of Virginia, deserves careful examination as it conferred on both the Committee of Safety ~~and~~ and the County Committees additional powers. The state of hostility between Dunmore and the people of Virginia, now an open state of warfare, made it necessary that vigorous steps should be ~~initiated~~ <sup>taken</sup> to suppress any Tory sentiment in the respective Counties. ~~As~~ As this study has endeavored to show, there does not ~~seem~~ <sup>appear</sup> to have been any great amount of <sup>the</sup> Tory element in the colony, and <sup>the Virginia Tories</sup> ~~the little Tory strength in Virginia~~ seem to have been largely confined to the lower counties. However the depredations of Dunmore and his followers had so aroused the colony that steps had to be taken to prevent the Tories from communicating with Dunmore or his fleet. Moreover Dunmore's proclamations, threatening to emancipate and arm the slaves, had solidified resistance to his authority throughout the province. The preamble to the Seventh Ordinance states that,

"Whereas the most dangerous attempts have been made, by

<sup>25</sup> Force, American Archives, 4th Series, iv, 145 to 146, "An Ordinance for establishing a mode of punishing <sup>and for</sup> the enemies of America in this Colony."



some persons in this Colony, to subvert the rights and liberties of the inhabitants; and whereas, by a Declaration of this Convention, a humane disposition towards such offenders has fully been manifested, who, notwithstanding, have failed to avail themselves thereof, and return to that duty which they owe both to this country and the rights of mankind; and whereas it is become necessary to declare what are and shall be considered as offences, to the end a regular mode of punishment may be established, and equal right and justice administered to all persons within this Colony:" <sup>26</sup> <sup>27</sup>

it was therefore ordained by the delegates of the people assembled in General Convention: (1) That any white person or persons who had been in arms against the colony should, within two months after the publication of the ordinance, surrender to the Committee of Safety; that any white person who should aid or assist the enemy by enlisting soldiers, giving intelligence, or furnishing them with arms, provisions, or naval stores, or who should bear arms against the colony, after the publication of the ordinance, should be liable, upon conviction to such imprisonment or confinement as the Committee of Safety might direct. The Committee of Safety was authorized to appoint proper persons to take charge of the estates of such offenders, "both real and personal, and to cultivate the same to the best advantage, and pay the profits thence arising into the hands of the Treasurer of this Colony for the time being, to be disposed of

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<sup>26</sup> Force, *American Archives*, 4th Series, iv, 81, 82, Proceedings of the Virginia Convention, "A Declaration."

<sup>27</sup> Force, *American Archives*, 4th Series, iv, 145, Ordinances of the Virginia Convention, Preamble to Ordinance vii.



towards satisfying the just debts of such delinquent, to be ascertained by the Committee of Safety; and the residue for the publick use, in such manner as the said Committee" should think "most for the advantage of this Colony." <sup>28</sup> The final disposition of the estates was left to the determination of the Convention. But it was provided that the Committee of Safety should have full power and authority to pardon "such as have heretofore been or shall be in arms against this Colony, or shall otherwise offend as aforesaid, upon being satisfied of his or their repentance, and desire to be restored to the confidence of this Colony, and returning to his or their duty; and in all such cases, the ~~said~~ said Committee of Safety shall state the ~~the~~ case of each offender to the Convention, to enable them to determine what should be done with their estates." <sup>29</sup> (2) That from and after the passing of this ordinance, all merchants, traders, or other persons, who should import into the colony any goods, wares, or merchandise, contrary to the Continental Association (except in cases allowed by the General Congress, or the General Convention,) should forfeit the commodities so imported; and if any person or persons, so offending, should refuse <sup>or fail</sup> to deliver up such goods, wares, or merchandise, when required to do so by the Committee of Safety, "he, ~~she~~, or they, so refusing or failing," should forfeit and pay the full value thereof in money, and be forever rendered incapable of trading in the colony. If any persons should attempt to export from the colony any commodities forbidden by the ~~General~~ Association, the goods should be forfeited, and the vessel or vessels in which such goods were shipped should be forfeited for the use of

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<sup>28</sup> Force, American Archives, 4th Series, iv, 145.

<sup>29</sup> Ibid, 145, ~~146~~.



the colony,"and the moneys arising therefrom paid into the Treasury, for the publick use." It was however provided that no vessel or vessel should be forfeited for such offences unless the value of the goods, wares, or merchandise imported, or of the produce exported, therein, should exceed in value the sum of twenty pounds sterling.<sup>30</sup> (3) John Blair, James Holt, and Edmund Randolph, or any two of them, were constituted "Judges to try and determine on all matters relating to vessels and their cargoes;" and they were authorized to appoint "an Advocate, Clerk, and such other person as they may think proper to act as Marshal, who shall, from time to time, execute all process of the said Court, to be issued and signed by the Clerk thereof." The fines of witnesses for non-attendance, when they had been duly summoned by the court, and their payment for attendance on the court's proceedings, were regulated by the rules governing witnesses of the General Court.<sup>31</sup> (4) Wherever the owners of vessels or cargoes condemned by this court should desire, appeal lay to the Committee of Safety; but bond and security had to be given, in the sum of twenty pounds for the due prosecution of such appeal in thirty days from the granting of the same, and the decision of the Committee of Safety in such case appealed to it was final. In cases where no appeal was noted the Marshal was to sell the condemned vessels and produce, goods, or merchandise. (5) The judges, before entering upon the execution of their duties, were to take the following oath, which should be administered by the Committee of Safety, to wit: "I ....., do swear, that I will truly and faithfully execute the office of a Judge of Admiralty, according to an Ordinance of Convention; and that I will do equal

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<sup>30</sup> Ibid, 145, 146.

<sup>31</sup> Ibid, 146.





right and justice to all men, to the best of my judgment, without favour, affection, or partiality. So help me God." Oath of office was also provided for the Clerk and Marshal, and this oath of office was to be administered to them by the Judges. (6) The Judges, after they had qualified, were ~~given authority~~ <sup>empowered</sup> to meet wherever they might think best, and had full authority to adjourn from day to day, or to another place, when it was deemed by them necessary. They were to be paid twenty-five shillings per day for their services, and were allowed to fix the salaries of the officials of their appointment; and these officials were subject to the Judges' power of displacement or removal. (7) The Committee of Safety ~~was~~ <sup>was</sup> required to commission five members of the Committee of each County, "to be recommended to them by the respective County Committees, to take cognizance of, and determine, all offences contained in this Ordinance" which might arise in the respective counties, except such as "relate to vessels and their cargoes". After they had taken the oath "well and truly to discharge the duty of Commissioners for their respective Counties," the Commissioners, or any three of them were authorized by the ordinance to sit as a court, at the County court-house or such other place as they might select. (8) All trials before the Commissioners for breaches of this ordinance should be by jury: and the procedure should be the same as had been heretofore observed in the trial of civil causes. In the case of condemnation, the Court could appoint Commissioners for managing the estate of an offender; but it was provided that defendants might appeal from a decision of the County Commissioners to the Committee of Safety. (9) If any slaves in arms against the colony, or in the possession of the enemy, through their own choice, should be taken, such slaves might be transported to the West Indies by the Committee of Safety, and there sold: and the pro-



ceeds of their sale used for purchasing arms and ammunition for the colony, or in such manner as might best serve the interest of the public. In case it was found inconvenient to transport such slaves, the Committee of Safety was given the power to dispose of them for the use of the colony, to return them to their owners, or to deal with them according to an ~~Act~~ of Assembly for punishing slaves committing capital offences. This discretionary power was exercised by the Committee of Safety in various ways, according to the exigencies of the case.<sup>32</sup> But it was provided that the owners of such slaves should be paid by the Treasurer of the colony ~~the full amount~~ the full amount of such sale, or the value of such slaves, after deducting the charges of transportation and expenses of the sale; and that such valuation should be made by the Commissioners in each County, and certified to the Committee of Safety, who should "thereupon grant their warrant, directed to the Treasurer, for payment of the value of such slave as aforesaid." (10) This ordinance was ordered to "be published at the Court-house of each County, by the Sheriff; and at the several Churches and Meeting-houses in each Parish, by the clerk or reader, immediately after divine service." <sup>33</sup>

In effect, this ordinance established a system of County Courts to deal with political offences, such as violations of the Association and disobedience to the ordinances of Congress and the Virginia Conventions. From these County tribunals appeal lay to the central body—the Committee of Safety, whose decision in such matters was final. The other ordinances of this Convention did not change, to any great ex-

<sup>32</sup> Calendar of Virginia State Papers, vol. viii, 77, 81, 142, 156, 159, 160, <sup>179</sup> Journal of the Committee of Safety of Virginia, February 7, 1776 to July 5, 1776.

<sup>33</sup> Force, American Archives, 4th Series, iv, 145 to 146.



tent, the form of the committee system or its functions.

The Convention passed an ordinance for raising an additional number of troops for the ~~army~~ defence and protection of the colony,<sup>34</sup> which provided that to the two regiments already raised in the colony, there should be added six other regiments, one of which should be a regiment to be known as the "German Regiment", to be raised by the County Committees of Augusta, West Augusta, Berkeley, Culpepper, Dunmore, Fincastle, Frederick, and Hampshire, who should appoint the several Captains and subaltern officers of the regiment. It was also ordained that the Battalion of Minute-Men, already raised in the counties of Accomac and Northampton, should be recruited up to the number required to make it a regiment. The nine regiments of Virginia were to be under the command of a Major-General and two Brigadier-Generals, who should be appointed by the General Congress, their field-officers were to be chosen by the General Convention, and the Captains and subalterns by the several County and District Committees. Each of the captains was supposed to recruit twenty-eight men; first-lieutenants, twenty-one; second-lieutenants, sixteen; and the whole number of men for a company was to be raised before the last day of February, 1776. Should the captains and subalterns fail to recruit their companies in the required time, they might be removed by the Committee, if such a course ~~seem~~ should be deemed best for the service of the colony. It was further provided that if any company should not be fully recruited by the first nominated officers, or by others chosen in their stead by the Committee, by the 25th of March, the several County and District Committees where such failure should occur, should make a report of the whole matter to the Committee of Safety: and the Committee of Safety could take such steps as it might deem expedient to recruit the company up to its

<sup>34</sup> Force, American Archives, 4th Series, iv, 131 to 140. "An Ordinance for raising an additional number of Forces for the defence and protection of This Colony, and for other purposes therein mentioned."



full strength. The County and District Committees, at the time of appointing officers, were required to settle on some convenient place where the officers of each company might rendezvous their men, and the Committee should appoint two of its members to review the company, and to grant a certificate to its officers, in case the company was found to be satisfactorily recruited. This certificate should be returnable to the County or District Committee, which had appointed the officers, and should be forwarded by it to the Committee of Safety, which must thereupon issue commissions to the officers of the company. In order to secure the "more ~~and~~ certain and regular appointment of the several District Committees," it was ordained, that the several Committees of the Counties and Corporations of the Colony should each depute three of their members to meet at some convenient and central place in each District, to be appointed by the chairman of the Committee of the County first named in each District; of which appointment such chairman should give reasonable notice to the chairmen of the other Committees within the District. When such notice had been given, these deputies, or a majority of them, should have power and authority to act as the District Committee.<sup>35</sup>

Of the records of the Virginia Committee of Safety, enough material exists to enable the student to form a very definite idea of the nature of its duties, and of the manner in which these duties were performed. While the Journals of the Committee are incomplete, the record of the proceedings for the larger portion of its existence has been preserved.<sup>36</sup> Among other interesting things, these records show that the Committee

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<sup>35</sup> Ibid, 132, 133, 134.

~~36 The originals of these records~~

<sup>36</sup> These records are in the Virginia State Library archives. Part of the journal of the Committee of Safety is published in Calendar of Va. State Papers vol. VIII. pages 755-239.





of Safety, or usually a quorum of six of its members, was in nearly daily session during the period covered by the Journal. Probably the greatest changes in the functions of the Committee of Safety that <sup>were</sup> ~~were~~ made by the ordinances of the Convention of December, 1775-January, 1776, <sup>was</sup> ~~were~~ the enlargement of its judicial functions. By the ordinance of August 16th, 1775, which had created it, the Virginia Committee of Safety had been given the final decision in cases appealed from the courts-martial; but the judicial power <sup>of the Committee</sup> ~~was~~ extended by the provisions of the later ordinances to cover appeals from the Admiralty Court and from the County Courts of Inquiry. Moreover the County Courts of Inquiry were commissioned by the Committee of Safety.

In the main the Virginia Committee of <sup>Safety</sup> ~~Correspondence~~ performed two classes of functions: executive functions such as the commissioning of officers, the commanding of the colonial forces, the appointing of agents to equip and feed the troops, the paying of the militia and the imprisoning of its hostile inhabitants; by expenses of the Colony, <sup>and</sup> judicial functions such as the hearing of appeals from the Admiralty Court, from the County Courts of Inquiry, and from the Courts Martial, and the <sup>commissioning</sup> ~~appointing~~ of the members of the County Committees who should constitute the Courts of Inquiry.<sup>37</sup> However the judicial duties of the Committee of Safety do not seem to have been heavy, for the first trial of suspected persons was the duty of the judges appointed from the County Committees and commissioned by the Committee of Safety, and cases of appeal from their decisions do not seem to have been very frequent.<sup>38</sup> The executive, or administrative, duties ~~of~~ of the Committee of Safety were much

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<sup>37</sup> Hunt, The Provincial Committees of Safety of the American Revolution, 112.

<sup>38</sup> Calendar of Virginia State Papers, viii, Journal of the Committee of Safety of Virginia, pp. 159, 186, 193, 194.



heavier, and the Journal shows that the Committee led a busy life. While the <sup>actual</sup> ~~main~~ work of procuring arms, accoutrements, and provisions was performed, for the most part, by commissaries and contractors chosen by the Committee, they were under its direction and were responsible to it for the manner in which they performed their contracts. Every disbursement of public funds that was made for satisfying the wants of the troops, even the very smallest, passed through the hands of the Committee. Indeed, the entire military, and to a very large extent, the financial resources of the Colony, were for the period of a year, while it was the executive power of the Colony, in the control of the Committee of Safety.<sup>39</sup>

Although its powers were great, and its duties in organizing the militia of the Colony, in providing it with supplies, and in sending troops to retaliate <sup>for</sup> ~~the~~ the depredations of Dunmore were somewhat onerous, yet the Committee of Safety of Virginia was at no time called upon to assume the whole responsibility of the Colony. The Virginia Convention was in session three times during the existence of the Committee, and even in the recess between its sessions, it was still in existence and could be brought together in case of any serious disturbance. The Virginia Committee of Safety was in reality a standing recess committee of the Convention, with certain well defined <sup>executive</sup> powers which it could exercise only within the authority granted to it by the Convention. It had only those powers granted to it by the duly chosen representatives of the people, the authority delegated to it in the ordinances of the Convention. Even the discretionary powers of the Committee of Safety must be exercised within certain broad limits laid down in these ordinances; and to the Convention it was responsible for its conduct and actions. The unity of sentiment in the Colony

<sup>39</sup> Hunt, The Provincial Committees of Safety, 112, 113.



was so great that the orders of the Committee of Safety seem to have been carried out with little friction. The Tory element of the population, save in the Counties of Norfolk and Princess Anne, seems to have been a comparatively negligible quantity in Virginia. Throughout most of the province the Whig sentiment was decidedly predominant, and this fact served to lighten the ~~task~~<sup>work</sup> of the Committee of Safety, and helped to carry its orders into execution. The problems of the Virginia Committee of Safety were less onerous, the situations that it was called upon to face less difficult than those which bothered and perplexed the Council of Safety in New York, New Jersey, and Pennsylvania. In these Colonies there were a large number of Tories and this, combined with the fact that here the British Army carried on its most successful early campaigns, served to complicate the situation and rendered the work of the Council of Safety in each of these Colonies extremely difficult. Moreover the sentiment in none of these Colonies was as united as in Virginia, where the Committee of Safety did not have to assume to itself authority, but where it acted with powers delegated to it by the Convention whose powers and authority came directly from the people. This gave to the American cause, and to its adherents in Virginia, an ~~extra~~<sup>most of</sup> intracolony solidarity, which was either lacking or doubtful in the other Colonies.

However one must not form an opinion that there were no discordant elements in the Virginia Committee of Safety, for such was not the case. In the Committee <sup>a bitter</sup> ~~the last~~ fight between the Conservatives, the party which followed the lead of Edmund Pendleton, and the Radicals, the party of Henry and Thomas Jefferson, took place. Pendleton was ~~the~~ <sup>Patrick</sup> chairman of the Committee of Safety and he and his fac-



tion, defeated so many times in the past by the tactics of Henry, seem to have controlled the Committee with a determination to exclude Henry as far as possible from the leadership of the military expeditions against Dunmore, although Henry had been elected to the leadership of the Virginia troops by the Convention. The policy of the Committee seems to have been that of keeping Henry in a state of inactivity, notwithstanding the fact that he had been appointed Commander-in-Chief of the Virginia Army by the Convention. Henry naturally resented the policy of the Committee in directing Colonel Woodford, a subordinate officer, to command the forces in expeditions which should have been under his own direction. When Henry resigned his commission in March, 1776, it was open talk that the envy of the Committee of Safety had sought to undermine his reputation and force him to retire from the army. The adherents of Pendleton and the Committee hastened to defend them against these charges. This factional ~~contest~~ <sup>fight</sup> reappeared later in the ~~contest~~ <sup>^</sup> over the election of President for the Virginia Convention, and the controversy was thoroughly aired in the columns of the Virginia Gazette. <sup>40</sup> Pendleton, who had succeeded Peyton Randolph as President of the Convention, was reelected but not without opposition, which was in all probability stirred up by his treatment of Henry. It does not seem likely that Henry made any efforts to defeat Pendleton for the office of President; for although Thomas Ludwell Lee was nominated for the Presidency, it would seem that the opposition to Pendleton not only did not have the support of Henry, but was against his wishes. Henry was elected Governor by this Convention, both receiving a majority of fourteen votes ~~for~~ over the other candidates.

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<sup>40</sup> Wirt, Patrick Henry, i, 333 to ; American Archives, 4th Series, iv, 1519 ; Virginia Gazette, March 1, 1776, March 15, 1776; Osgisby, The Virginia Convention of 1776; Henry, Patrick Henry, i, 331 & 337.





This vote which was given Henry, in spite of the fact that the old aristocratic party in the Convention made every effort to defeat him for the Governorship, proves his influence in this Convention. There is little doubt that he could have secured the defeat of Pendleton for the Presidency of the Convention had he felt so inclined. That most of the Whigs in the Colony were favorable to Henry is shown by the fact that both of his opponents, Thomas Nelson and John Page, were men, whose conversion to Whig principles had been rather recent, - in no sense could they be said to have been leading radicals. There were even doubts as to <sup>Thomas Nelson</sup> ~~him~~ being a Whig according to a statement of Judge Spencer Roane.<sup>41</sup> It is known that the opposition to Henry was assisted, if not actually led, by Pendleton. As severe as was this struggle ~~between~~ between Henry and his enemies, it did not threaten the overthrow of the existing regime; and it resolved itself into a fight between Conservatives and Radicals, centering around the personalities of Henry and Pendleton. At no time did it involve the revolutionary movement in Virginia in any serious danger.

It is always easy to look back into the past and, from the vantage point of the present, find things to criticise that were not so apparent to the people who lived and acted in "the times that tried

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<sup>41</sup> MS. Letter to William Wirt from Spencer Roane. Roane stated that once in his hearing, after the revolution, Pendleton justified himself for not offering for the office of Governor in 1776, on the ground that he did not think it became those who pushed on the revolution to get into the first offices, and that on that ground he voted for Secretary Nelson. On which, feeling that the remark was aimed at Mr. Henry, I (Roane) replied, that we should have cut a pretty figure if that office had been given to a man who was no Whig; as Mr. Nelson was said to have been." *Thomas Nelson, who was known as Secretary Nelson, had been a member of the Council. He must not be confused with Thomas Nelson, Jr., who was allowed Governor.*



mens' souls." In her study on the Committees of Safety, Miss Hunt criticizes rather harshly the action of the Virginia Committee of Safety in removing the Tories from Princess Anne and Norfolk Counties. After giving a résumé of the events leading to the order of removal, she draws the conclusion that "However successful its work along other lines, the Virginia committee, in ordering the removal of the Tories from Princess Anne and Norfolk Counties, must stand condemned both for want of judgment and of humanity."<sup>42</sup> In neither judgment <sup>nor</sup> humanity, does the action of the Committee of Safety in this case seem to the author of this study to deserve so sweeping a criticism as that made by Miss Hunt; nor do the facts she deduces in proof of her contention seem to warrant her condemnation of the judgment and humanity of that body. The situation in these Counties was indisputably critical. Any defection from the American cause might encourage Tories in other parts of Virginia, or in the neighboring provinces, and the forces of Dunmore had to be opposed and all communication between him and his Tory adherents cut off. The fairer, and less doubtful, estimate of the action of the Committee of Safety, and one which seems to conform more ~~exactly~~ closely with the historical evidence in the case, is that, in light of recent occurrences, and on what ~~was~~ it very reasonably supposed to be the British plans, the Committee acted with wisdom. The main criticism that might be made of its action, seems to the writer to be a lack of initiative and dispatch, characteristic of a body dominated as the Committee of Safety was, by cautious conservatives such as Pendleton and his immediate following. In none of the evidence examined does the writer find

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<sup>42</sup> Hunt, The Provincial Committees of Safety of the American Revolution,



warrant for condemning the Committee with "want of humanity". The events leading up to the removal of the Tories from Norfolk and Princess Anne Counties are as follows:

On August 21st, 1775, the second petition of the Continental Congress had been delivered to Lord Dartmouth by Governor Richard Penn, who had been sent to England as a special messenger to carry it to the King. The only answer it received from George the Third was a proclamation, issued two days after the petition was delivered to Lord Dartmouth, which declared the colonists in a state of rebellion, denounced all those within the realm who sympathized with them, and called upon all officers and royal subjects to aid in suppressing the revolution and to notify all persons corresponding with persons in arms in the American cause, that they might be brought to condign punishment if they persisted in such a course. News of this proclamation, and of the hiring of ten thousand German mercenaries to be added to the British forces in America, was received in Philadelphia on October 31st, and appeared in the Philadelphia papers of the next day. Congress, then in session, realizing in this declaration of war that the British Government was resolved to reduce the colonies to submission by force of arms, adopted vigorous measures to uphold <sup>the</sup> American cause in the field of battle.

The course that had been pursued in Virginia by Lord Dunmore, had already driven the colony from its defensive attitude into a state of open and actual warfare. After his abandoning the palace at Williamsburg, Dunmore had gathered together a fleet, composed of the Mercury, of twenty-four guns; the Kingfisher, of sixteen guns; the Otter, of fourteen guns; and a number of smaller vessels. This fleet, command-



ing the Chesapeake Bay and its tributaries, kept much of the country bordering on those waters completely at Dunmore's mercy, and the people of the Tidewater region of the colony were being constantly plundered and their slaves carried off. This country was the scene of many irritating depredations, carried on by marauding expeditions sent out from the fleet, under the orders of the fugitive Governor. Early in September, Captain Squire, of the Otter, sailing in a tender on a marauding expedition, was driven ashore upon Back River, near Hampton, by a storm. Abandoning his vessel and supplies, he and his men made their escape through the woods. Soon after this event, Captain Squire made a formal demand that the people of Hampton should restore the abandoned vessel and stores, threatening to attack the town in case his demand was not complied with. News of this threat having reached Williamsburg, the Committee of Safety ordered Captain James Innes with a company of one hundred men to march to the defence of Hampton. For a while Squire contented himself with preying upon the shipping of Hampton. The Kingfisher was stationed near Norfolk and the Otter, near Newport's News, where they stopped all passing vessels, subjecting the crews and passengers to great indignities, while the smaller boats continued to make marauding expeditions, which gave great annoyance to the people of the neighboring Counties, especially those of Norfolk and Princess Anne.

Unless something were done to protect the inhabitants of these two counties, and of the rest of the country near the mouth of the James river, it was evident that this section of Virginia would be irrevocably lost to the American cause. Not only was the country exposed to the depredations of Dunmore, but there was also danger to be apprehended from the Scotch merchants of Norfolk, who were nearly all Tories with consid-





erable influence in their section. Colonels Henry, Woodford, and Fairferre, appeared before the Committee of Safety and urged that part of the forces stationed at Williamsburg be sent to the vicinity of Norfolk, in order to protect the inhabitants who were exposed to the attacks of Dunmore and his Tories. The Committee, after considerable hesitation, decided to send the Second Regiment and the Culpepper Battalion of Minute-men to the vicinity of Norfolk and Portsmouth. The officers of these troops were ordered to march to the neighborhood of Norfolk, and to encamp in a suitable place for the protection of that part of the colony.<sup>43</sup>

Before this order could be carried out, Captain Squire again appeared before Hampton, with an armed schooner, a sloop, and three tenders carrying a detachment of soldiers, and notified the inhabitants that he intended to land and burn the town. There were now stationed at Hampton a company of Elizabeth City regulars and a company of minute-men from King and Queen, who repulsed the force under Captain Squire, which attempted to land on October 26th. As all indications pointed to a renewal of the attack on the next day, a messenger was at once sent to Williamsburg to the Committee of Safety, asking for reinforcements. The Committee sent Colonel Woodford and a company of Culpepper riflemen to the aid of the people of Hampton, and these troops arrived in Hampton at eight o'clock the next morning, just in time to help repulse Captain Squire's second attack upon the town. The attacks upon Hampton were the first armed conflict of the Revolution upon Virginia soil. Angered by these repulses at Hampton, Dunmore

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43 Letter from the Virginia Committee of Safety to Colonel Patrick Henry

October 24th, 1775, in Henry's Patrick Henry, vol 1, 322, 323: For an account of Squire's part in these proceedings see Force, American Archives, 4th Series, III, 722, 723, Letter from Hampton Committee to Captain Squire; Ibid. 680 Proceedings of the Hampton Committee.



now fully developed his plans for the destruction of the colony he still claimed to govern. On November 5th, he commissioned the notorious John Connolly as a lieutenant-colonel of the Queen's Royal Rangers, and sent him on a secret mission to incite the Indians to an attack on the western frontier, contrary to the provisions of the treaty that had just been concluded with them. After accomplishing this nefarious work, the unscrupulous Connolly was to enlist a force of Canadians at Detroit, and lead them by way of Pittsburg to Alexandria, where Dunmore was to meet him and, by fortifying that place cut off communication between the northern and southern colonies. Fortunately, Connolly was captured while passing through Maryland and his designs exposed and thwarted.<sup>44</sup>

On November 7th, Dunmore issued a proclamation, which was printed on board the ship William, on a press taken by force from Norfolk, out of the printing establishment of John Hunter Holt.<sup>45</sup> This proclamation declared martial law throughout the colony; required all persons able to bear arms to resort to the King's standard under penalty of forfeiture of life and property; and declared freedom to all indentured servants, negroes, and others belonging to rebels, who would give him aid in the reduction of the colony. By this infamous plan of enlisting the

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<sup>44</sup> Force, American Archives, 4th Series, iv, 615, 616, 617.

<sup>45</sup> Force, American Archives, 4th Series, iii, 847, 923, 1031. There seems to be some doubt as to the ship upon which the press was carried. The proclamation was dated, on board the ship William; but a letter from Norfolk, dated October, 1, 1775, states that the press was carried aboard the Eilbeck. This same letter states that Mr. Cumming, a book-binder of Norfolk, was forced to go aboard the ship, presumably to assist in the printing of the proclamation.



criminals and slaves in his service, Dunmore hoped to stir up a servile insurrection, which would force the people of the colony to disperse in order to protect their families and homes. William Wirt Henry states that "This fiendish plan of inciting the blacks against the whites and endangering the home of every planter, had been concocted with General Gage and General Howe through the agency of Connolly, and was believed to have the approbation of the King." <sup>46</sup> Dunmore said concerning it, "I hope it will oblige the rebels to disperse to take care of their families and property." <sup>47</sup> This proclamation united all classes of people in Virginia as nothing else could have done, assuring them <sup>of</sup> the determination of the British Government to stamp out, what it was pleased to call the rebellion, at all costs, and confirming the ~~the~~ already fast-growing opinion, that in Lord Dunmore, their former governor, the people of Virginia had a foe who would stop at neither the horrors of Indian warfare nor the terrors of a servile uprising, - both of which he had attempted to bring upon the colony. Throughout the entire colony, bitter resentment against Dunmore and the British Government was stirred up among its inhabitants by "the pointing of a dagger to their ~~throats~~ throats through the hands of their slaves." <sup>48</sup> The Counties of Norfolk and Princess Anne were now completely at the mercy of Dunmore, and here he forced the people to take an oath abjuring the authority of the Com-

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<sup>46</sup> Henry, Patrick Henry, I, 325, 326.

<sup>47</sup> Bancroft, viii, 223.

<sup>48</sup> Southern Literary Magazine for 1858, 186, letter written by Archibald Cary.



mittee, the Convention, and the Congress, and declaring their allegiance to the King. Those who refused to subscribe to this oath were forced to leave their homes. The force of Dunmore now consisted of two companies of the Fourteenth Regiment of British regulars from Saint Augustine, and a body of negroes and Tories. Backed up by the fleet, which Dunmore's forces had controlled the waterways of the region, the inhabitants of these counties were entirely under ~~his~~<sup>their</sup> control. He was able to supply his forces with food and provisions, and to ship supplies to General Howe at Boston, with whom he was in communication in the hope of securing additional troops. After capturing a body of Princess Anne minute-men, Dunmore took up his position at West's Landing and threatened Suffolk. If the American cause did not wish to lose South-eastern Virginia, it was imperative that the forces of Dunmore should be driven out of Virginia, the Tories of Norfolk and Princess Anne removed, and the inhabitants of that region who were in sympathy with the revolutionary movement protected. It was this task that presented itself to the Committee of Safety in the closing months of 1775.

Acting under orders from the Committee of Safety, Woodford marched from Williamsburg early in November, at the head of about seven hundred minute-men. He was prevented from throwing all of his forces across the river at Jamestown by the presence of the British men-of-war, and after getting eight companies across, he was forced to proceed with the remainder of his troops to Sandy Point, higher up the river, where they were transferred in safety to the other side. They reached Suffolk in time to relieve it from the threatened attack. On December 9th, he was attacked by Lord Dunmore <sup>at Great Bridge</sup> with a force of two hundred regulars and three

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<sup>49</sup> Force, American Archives, 4th Series, iv, 357. Letter from Dunmore to General Howe, December 2nd, 1775. The proclamation of Lord Dunmore dated Nov. 7th, 1775 is given in Bart's History of Virginia, vol. IV, p. 63.





hundred negroes and Tories. The Virginia forces were victorious, Dunmore being defeated with considerable loss, while the Virginians, who fought from behind breastworks, had only one man wounded. After this defeat Dunmore fell back to Norfolk, where he retired to his ships, leaving the negroes he had persuaded to take up arms to shift for themselves. Up to this time, through his control of the water, Dunmore had been able to get plenty of supplies for his forces; but Captain ~~James~~ James Barron, of Hampton, who had armed and equipped a fast pilot-boat, was now beginning to seriously interfere with the unarmed supply-ships and other smaller craft of Dunmore's flotilla. Finding his source of supplies seriously threatened in this manner, Dunmore now was forced to draw his supplies from Norfolk and the vicinity of that town. On January 1st, 1776, angered by the refusal of the inhabitants of Norfolk to comply with his demands for provisions, he began a heavy cannonade on the town, which soon set fire to the houses nearest the water-front, and destroyed about nine-tenths of the buildings. Norfolk had been the largest town in the colony, with a population of six thousand. Its destruction in midwinter, exposing the inhabitants to many hardships, embittered the Virginians still more against Dunmore, and gave them still further proof of his unfitness as a ruler and his cruelty as an enemy.

On February 6th, the colonial forces, <sup>acting under orders of the Convention and Committee of Safety,</sup> removed the remaining inhabitants of Norfolk, "with what effects they could carry along with them,"

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Force, American Archives, 4th Series, iv, 946, 947; F

For English contemporary opinions on the burning of Norfolk, see the remarks in Parliament of <sup>the</sup> Duke of Richmond, the Duke of Manchester, and the Earl of Sandwich. In Force, American Archives, 4th Series,

iv, 294, 299, 307. Norfolk was evacuated by order of the Virginia Convention, the evacuation being completed on Jan 15, 1776. See Proceedings of the Virginia Convention, Force, American Archives 4th Series, iv, 124. Butcher, History of Virginia, vol IV, 109, 110.



demolished the intrenchments which Dunmore had thrown up just before his forces retired to the fleet, and destroyed the few remaining buildings to prevent the forces of Dunmore from finding shelter in them. After these things had been accomplished the colonial troops evacuated the town, or rather its ruins. From his fleet, Dunmore continued to send out marauding parties in search of provisions, and these parties ravaged the districts of Norfolk and Princess Anne Counties, and, with the aid and assistance of the Tories with whom Dunmore seems to have kept up a communication, constantly subjected ~~the~~ to indignities and inconveniences those who were true in their allegiance to the American cause.

On January 13th, the Convention considered a petition from sundry inhabitants of the Counties of Norfolk and Princess Anne, reciting the inconveniences, indignities, and cruelties to which the inhabitants of these counties who had faithfully adhered to the measures recommended by the Continental Congress and the Virginia Convention, had been subjected by the forces of Dunmore and their Tory adherents; asking that inquiry should be made into the conduct of the inhabitants, and that such as were inimical to the American cause might be removed to some distant part of the colony, so as to prevent their communication with the fleet of the enemy, or doing further mischief; and recommending that the slaves who had borne arms should be transported to the West India Islands.<sup>51</sup> This petition was referred to the Committee of Safety, ~~except in issuing instructions to the forces remaining in Norfolk~~ who seem to have taken no immediate action in the matter. Finally, General Charles Lee, who had been put in command of the Virginia troops by Congress, suggested to the Committee that the population of the two

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<sup>51</sup> Force, American Archives, 4th Series, 121, Proceedings of the Virginia Convention.



counties should be moved to the interior to prevent the friendly inhabitants from being harmed, and to break up the communication of the Tories with the British fleet. Following this suggestion, the Committee of Safety issued an order to this effect on April 10th, 1776. The inhabitants of these counties, whether friendly or hostile to the American cause, residing between the shore and the American lines, were directed to move immediately to the interior. Those who had joined the British side, or taken oath to support it, were ordered to move thirty miles inland and settle in some secure place. The slaves of the Tories were to be taken from them, but might be returned by the Committee of Safety when their owners were settled in some new place. A committee of three was appointed to see that the order was carried out and £ 1,000 was to be advanced them to provide for the necessary expenses of the removal. Those who were willing to provide dwellings for the emigrants were requested to give notice in the Virginia Gazette.<sup>52</sup> Ever since the occupation of these lower counties by Lord Dunmore, there had been offers of asylum to the inhabitants of these counties from the County Committees of the "up country".<sup>53</sup>

It does not appear that the Whigs were ever removed from the counties in question, the orders in their case being successively modified both by the Committee and by the Convention. On May 3rd, in answer to a petition from the County Committee of Princess Anne, the Committee of Safety appointed a committee of six to determine those of the inhabi-

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<sup>52</sup> Sparks's Revolutionary Correspondence, ii, 488.

<sup>53</sup> Force, American Archives, 4th Series, iii, 686, 1177, 1681, 1704;

Ibid, iv, 171. These are resolutions of the County Committees of Amelia, Chesterfield, Albemarle, Gloucester, and Louisa. The order from the Committee of Safety to General G. B. Lee is given in volume IV. of the History of Virginia, commenced by Robert Park, and continued by William B. Lewis and Louis H. Girardin, pp. 142, 143.



tants who had been active in the American cause; those who had remained neutral, taking neither side in the political changes that had been taking place, and those who had been openly inimical to America by communicating with Dunmore or by giving him aid or assistance. The friends of the American cause and the neutrals should be allowed to remain at their habitations, with their families and be permitted to <sup>take</sup> ^ with them such of their live stock as the committee should deem necessary to their immediate subsistence. The rest of their cattle should be sent further inland, out of reach of the marauding parties of the enemy. The Tories were to be removed with their families and effects. <sup>54</sup> On the next day a similar committee was appointed to make an inquiry into the conduct of the inhabitants of the County of Norfolk. <sup>55</sup>

On May 6th, the House of Burgesses met at the Capitol, in Williamsburg, pursuant to their last adjournment, "but it being their opinion that the people could not now be legally represented according to the Ancient Constitution," which they believed had "been subverted by the King, Lords and Commons of Great Britain, and consequently dissolved," the members of the House "unanimously ~~and~~ dissolved themselves accordingly." That same day the last session of the "General Convention of Delegates from the Counties and Corporations" of the colony began at the Capitol. <sup>56</sup> Before this session closed, the colony of Virginia was to become the state of Virginia, with a new constitution and form of government; the Convention was to be changed into a legislature; and the people presided over by an executive of their own choice. This new state government, the first to be established in America, was to

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<sup>54</sup> Calendar of Virginia State Papers, viii, 16<sup>5</sup>, Journal of the Committee of Safety. The petition of Princess Anne and Norfolk is on p. 166

<sup>55</sup> Ibid, 168.

<sup>56</sup> *Forces, American Archives*, 4th series, v, 1206.





be to a large extent the model for the other state governments, and was to have a marked effect on the Constitution of the Federal Government. <sup>r</sup>  
~~which in after years would be adopted by the United States.~~ <sup>57</sup> In this body of delegates, was to be drafted and adopted the famous Virginia Bill of Rights, and by them were to be taken the final steps in the transition from royal colony to representative commonwealth.

The constant attempts of the Committee of Safety and of the Convention to modify their policy in regard to the unfortunate Counties of Norfolk and Princess Anne, will acquit the members of the Committee of Safety from the charge of lack of humanity, made in the study of Miss Hunt. On May 11th, soon after the meeting of the Convention, ~~the~~ <sup>it modified,</sup> ~~Committee~~ <sup>^</sup> as we have already seen, modified the instructions regarding the removal of the inhabitants of these counties. It was resolved that "all of the inhabitants of the counties of Princess Anne and Norfolk, who reside to the North Eastward of the following line to wit: From the mouth of the Western Branch, and up the same to the road at Brittles Mill, thence along the said road to the Great Bridge, and from thence along the road by the North West landing, to the North Carolina boundary, ought to immediately removed with their families and effects to some interior parts of the Colony. And that all such other inhabitants of the counties of Norfolk and Hansemond, who are manifestly unfriendly to the American cause, ought in like manner to be removed with their families and effects. And that the residue of the inhab-

57 The state of Virginia was the first of the thirteen American Colonies to form a permanent government, by adopting a new constitution. In March, 1776, South Carolina had framed a constitution, which was virtually independent, but was framed only to exist "till a reconciliation between Great Britain and the Colonies should take place, and no longer."



itants in the two last mentioned counties, who reside to the Westward of the line aforesaid, remain till the further order of this Convention; unless the General or Commanding officer of the troops in that neighbourhood, shall find it absolutely necessary to remove any of those seated near the posts occupied by his troops before the Convention can be consulted, in which case he is at liberty to remove such persons." The sum of \$ money to be appropriated toward the expense of carrying out this order should not exceed £ 1,000, and should be advanced to a committee of thirteen, any three or more of whom should have the power to act as a committee to assist any persons, coming under the provisions of this order, who might not be able to remove themselves. The committee was also charged with the duty of superintending the execution of this order, and of dealing with the people "in the most humane manner the nature of the case" would admit. The expenses of removing persons friendly to America were to be borne by the public, while those incurred in the removal of Tories, were to be paid from their estates. 58

On May 16th, the order of removal was still further modified by the Convention. In the preamble of the modifying resolution, the reasons for the changes is given as follows: "Whereas, the season of the year is so far advanced, that it is too late to begin a crop of Indian corn, and as the inhabitants of the counties of Norfolk and Princess Anne, who are by order of this Convention to be removed, may be greatly distressed, for want of subsistence the next year;" it was therefore, resolved, that only the women and children and male slaves, capable of bearing arms, with the live stock of the said counties, should be re-

58 History of Virginia, commenced by John Barr, and continued by Stephen Jones and Louis Hue Martin, vol. iv, 140, 147.



moved. The other inhabitants, except those who were inimical to the American cause, should be allowed to remain to carry on the tending and gathering of their crops. <sup>by</sup>

On May 28th, this <sup>of removal</sup> order was rescinded as far as it related to the inhabitants who were <sup>not</sup> inimical to the American side. On this day there was read before the Convention, a petition from the freeholders and other inhabitants of Norfolk County, setting forth, that they had been informed that a resolution had been passed by the Convention for the removal of the inhabitants of their county; that this resolution, if carried into effect, would involve many of them in the greatest distress, as many of them had large families, and no places to which they could retreat; that they could not carry with them enough of their provisions to support them, and that they had no means with which to purchase provisions in the places to which they might remove; that their crops were planted for the present year; and that, by the burning of the town of Norfolk, the court-house of the county was destroyed, the place where it stood in the possession of the enemies of America, and thus they had been prevented from electing delegates to the Convention; they therefore prayed that their case might be again taken into consideration and the resolution of removal rescinded. Consideration of this petition, was referred to the committee of the whole house, who reported to the Convention:

"that the Committee had, according to order, had under their consideration the Petition of the Freeholders and ~~and~~ Inhabitants of the County of Norfolk, and that it appearing to them in full proof that Lord Burnsor and his whole fleet had re-

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moved from Norfolk,"

and that the committee had agreed to this resolution: "That the former Resolution of Convention for the removal of the Inhabitants of Norfolk and Princess Anne Counties, with their stocks and other effects, excepting such persons as are inimical to the cause of America, be rescinded." <sup>as to</sup> 60 This resolution was agreed to by the Convention, and no further orders of removal seem to have been issued. However, the Tories were removed as rapidly as possible. As far as the writer has been able to determine, there does not seem to have been any lack of humanity shown, by either the Convention or the Committee of Safety, in carrying out the orders of removal. As far as the Whigs were concerned, the <sup>successive</sup> ~~successive~~ modification of the order of removal to meet changed conditions, seems to offer conclusive proof that the measures were intended to be no more severe than the exigencies of the case called for. The orders of the Convention and Committee of Safety, that the removal should be executed "in the most humane manner the nature of the case will admit of", seems to speak indisputably of the humanity of both of these bodies. The removal of the Tories was undertaken as a matter of military necessity. It was a severe procedure, dictated by the exigencies of the case, but it does not seem to have been undertaken or carried out in any spirit of unnecessary cruelty. Military precautions are often harsh, but self-preservation is ever the first law of nature: and the colony, in the face of what seemed an imminent British invasion, could ill afford to risk a division of sentiment in the colony by pursuing a policy of too great leniency to the Tories. To have

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60 Force, American Archives, 4th Series, vi, 1540.





failed in securing the colony of Virginia for the American cause, either by allowing the Tories to foment discord within, or to aid in sustaining an attack from without, would have been, on the part of the Committee of Safety, one of those blunders that are worse than a crime. The writer has seen no evidence to substantiate the statement, that in ordering the removal of the Tories from the zone of Lord Dunmore's activities, the Committee of Safety, must stand condemned for want of humanity: nor does it seem to him that Miss Hunt has produced any evidence to support this charge.

Nor does the criticism of the Committee of Safety for want of judgment, in removing the Tories, seem to be justified by a careful examination of the facts in the case. The Counties of Norfolk and Princess Anne, with a larger and more powerful Tory element in their populations than any of the other Virginia Counties, were in a position to be of great assistance to the British cause, and correspondingly, a menace to the internal harmony of the colony, in case a body of British troops should be sent to the support of Dunmore. The city of Norfolk, with its magnificent harbor, one of the best on the Atlantic seaboard, supported by the British fleet, would have been a powerful base of operations for the British arms. With a sufficient land force at Norfolk and enough vessels in Hampton Roads to effectively control the entrance to Chesapeake Bay, it is likely that the British might have rendered much of Tidewater Virginia, territory as debatable as were Tory-infested New York and New Jersey. Recognizing the gravity of the situation, and the critical position in which the colony might be placed, the Committee of Safety took the measures, discussed in the foregoing pages, of removing the Tories from those counties in which they were most numerous and dangerous. It seems that the dangers



in the present situation of the colony, and those that might develop should reinforcements be sent to Dunmore, as was very reasonably expected by the Committee, justified the judgment of the Committee, in wishing to rid Norfolk, Princess Anne, and Mansfield, of the part of the population that might cooperate with the invader. The Committee, and the Convention of which it was the standing recess committee, had every reason to fear that a concerted British attack would be made upon the colony, when the order of removal was issued by the Committee of April 10th; and that the action of the Committee was approved by the Convention is testified to by the fact that, on May 11th, a similar resolution, already discussed in these pages, was passed by the Convention. There were several events, about the time of the orders of removal, that seemed to indicate an approaching crisis in Virginia. The appearance of the fleet of Sir Henry Clinton, off the Virginia Capes; his junction soon afterwards with Governor Martin, of North Carolina, at Cape Fear; the efforts of the Highlanders and Regulators, which were defeated by Moore; the persistent rumors from the the North, that General Howe, after his evacuation of Boston, was sailing to Virginia; and the redoubled activity of Dunmore and his followers to entrench themselves in a favorable situation, - all seemed to indicate that Virginia might soon become the scene of active military operations on the part of the British. These indications, which pointed to a possible danger, still somewhat vague and indefinite, occasioned much alarm in the colony: but information was soon secured, proving that the fears of the Virginia patriots were far from groundless. Early in April, Captain James Barron captured a small dispatch boat of Dunmore's, engaged in carrying to Governor Eden, of Maryland, letters addressed to him from the British Secretary of



State. One of these letters, written from Whitehall, December 23rd, 1776, stated that an armament of seven regiments, with a fleet of frigates and small ships, was in readiness to proceed to the Southern Colonies, "in order to attempt the restoration of regular government, in ~~3~~ that part of America." The letter further stated<sup>1</sup> that this expedition would proceed first "to North-Carolina, and thence either to South-Carolina, or Virginia, as circumstances of greater or less advantage" should point out. In case the movement should be directed to Virginia, Eden was ordered to act in conjunction with Dunmore in aiding the movement and in giving "facility and assistance to its operations."<sup>61</sup> It was in the face of this threatened attack, that the Committee of Safety took the precaution of removing the Tories from the Counties of Norfolk and Princess Anne. As events transpired, the attack upon Virginia was not made at this time, the scene of British operations in the South being shifted from North Carolina to Charleston, South Carolina: but in view of the information upon which it acted, and considering the situation with which it had to deal, the Committee of Safety seems to have acted with good judgment, and for the best interests of the American cause.

Considering its work, as a whole, the main weakness of the Virginia Committee of Safety, seems to have been a hesitancy to take the initiative in time of crisis demanding radical action, a weakness that frequently characterizes committees, unless their members are united by nearly identical opinions, or unless they are dominated by some forceful and progressive individual. The controlling influence of the Virginia Committee was strongly Conservative, dominated by Pendleton and his fac-

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<sup>61</sup>Burke's History of Virginia, vol. iv, pp. 147, 148.



tion of the Convention, who through a quorum of the Committee, controlled its policy and dictated its action. The Committee of Safety, which was a standing recess committee of the Convention, was in reality far less radical than the Convention, under whose ordinances it had been appointed. However this plural executive of the inter-regnum proved a fairly good substitute for the governor, and his council in their advisory capacity, during the stormy period that lasted from the break-down of the royal authority in Virginia to the establishment of a State government.

By far the most important work performed by the Committee of Safety, was the enlisting of forces for the colony, arming, equipping, and organizing them into companies, battalions, and regiments, and commissioning their officers. These arduous duties were performed by the Committee of Safety, with the cooperation and assistance of the County and District Committees. The work attendant upon the recruiting, organizing, and equipping the forces of the colony was enormous, and the vast amount of labor and time given to this most important duty by the Committees, both of the Counties and Districts, and the Committee of Safety, is testified to on nearly every page of the Journals of the last-named body. The vast number of warrants on the colonial treasury, issued by the Committee of Safety, shows the care and scrutiny with which it supervised the expenditures for arms, ammunition, supplies, and equipment for military purposes, keeping track of even the smallest accounts.<sup>62</sup> Moreover the providing for a navy, by the purchase, building, and fitting out of vessels for patrolling the Chesapeake and its tributaries, fell largely to the Committee of Safety, although here also, the local committees rendered help and assistance, and cooperated with the central

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62 Calendar of Virginia State Papers, viii, pp. 75 to 239.





body, in providing the colony with ships for transporting the troops, and protecting the waterways.<sup>63</sup>

The Committee of Safety was to all intents and purposes an executive committee, although it was appointed by the Convention, a representative body with legislative functions, and most of the functions exercised by the Committee were what we would term administrative: yet in settling appeals from the County Courts of Inquiry, from the Admiralty Court and from the Courts Martial, it had certain clear and well-defined judicial functions as well. While its judicial duties did not figure any thing like so largely as did its administrative duties, the Committee of Safety ~~was infrequently~~<sup>sometimes</sup> was called upon to decide appeals, especially in cases of Tory suspects. These cases were frequently decided by the County Courts of Inquiry, and few seem to have been appealed to the Committee of Safety. Usually a Tory suspect, unless he continued to be openly inimical to the American cause, was bound over to keep the peace towards the colony, and released when he had furnished security for his good behavior in the future.<sup>64</sup>

A good example of the method employed in the Committee of Safety to carry out the orders of the General Convention, through the various County Committees, is shown by the disposition made of a number of Scotch Highlanders, taken by Captain James Barron and Richard Barron in the ship Oxford, which had been captured by them. <sup>Of</sup> These prisoners, the privates were assigned to fourteen different Counties, while the officers were assigned to the County of Frederick. They were sent under guard to the

<sup>63</sup> Calendar of Virginia State Papers, viii, Journal of the Committee of Safety, 119, 153, 155, 180, 189, 195,

<sup>64</sup> Ibid., <sup>186,</sup> 222, 229.



Counties to which they had been assigned, and the squad assigned to each County was delivered to the County Committee, who could parole them as prisoners of war, on condition that they could not leave the neighborhood without permission.<sup>65</sup>

In communicating with the Continental Congress, and with the Virginia delegates to that body; in corresponding with the committees of the nearby colonies in times of danger; and in keeping up a communication with the other committees of the colony- the County and District Committees, the Committee of Safety performed some of the functions of the Intercolonial Committee of Correspondence: but in addition it acted as a central medium of intelligence and communication with the various parts of the colony, a function which the Virginia Committee of Correspondence did not, and could not perform, as there were <sup>at that time</sup> few local committees with which it could have communicated within the province. In arming and organizing the troops, in securing supplies and distributing them among the forces of the colony, in suppressing the Tories, and in numerous other matters, the Committee of Safety was in constant touch with the committees of the different counties.<sup>66</sup> In this way it became a strong force for unifying the colony.

It is not within the scope of this study to enter into a discussion of the origin of the Committee of Safety. Such a study would lead us far afield, yet a brief examination of the probable influences that led to the appointment of the Virginia Committee will not be amiss. There is small doubt that the American Committee of Safety owes its name, and possibly some of its general features to its English analogue, the Committee of Safety of the Puritan Revolution of the seventeenth

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<sup>65</sup> Ibid, 218 to 221.

<sup>66</sup> Ibid, 75,76, 81, 88,89,99,133,156,157, 174,186,187.



century. Beyond this rather remote influence, the writer inclines to the opinion that the American Revolutionary Committee of Safety owes little to the earlier English institution. Several of the colonies had appointed Committees of Safety, when Congress, on July 16th, 1775, recommended that the colonies without Committees of Safety should appoint such committees to act in the recess of the Assembly or Convention. Acting in pursuance with this recommendation, the Virginia Convention, on August 16th, appointed the Committee of Safety for that colony. The Committee of Safety thus appointed, was an executive standing recess committee of the Convention. The legislative assembly of the colony of Virginia, indeed of the Southern colonies in general this statement is also true, was well acquainted with standing recess committees, knew their value, and had frequently used them. The intercolonial Committee of Correspondence, appointed by the House of Burgesses, March 12th, 1773, was such a committee, as were the earlier Committees of Correspondence, for communicating with the colonial agent in England, and the recess Committees of Revisal, appointed to revise and codify the various Acts of Assembly. It is not strange that the Convention, which as has been already noted in this study was in reality the Virginia Legislature, should have created such a committee as the Committee of Safety, when the flight of governor Dunmore, and the break down of the royal executive power in Virginia, rendered the appointment of a body to act in the recess between the meetings of the Convention imperative. Nominally the executive power in Virginia had always been in the hands of the Governor, but actually it had been wielded to a large extent by the Governor, acting with the advice of his Council. In case of the death or absence of the Govern-



nor, and in the interval between gubernatorial appointment by the King, the President of the Council became the ex officio executive of the colony, serving until the vacancy was filled. The Council always had important advisory functions. It is not unlikely that knowledge of this fact had some influence in the choice of a plural executive to act during the recess between the sessions of the Virginia Convention. The fact that the new Constitution, adopted by the last Virginia Convention of 1776, when it elected a Governor, provided him with a Council, seems to indicate the state of mind regarding the nature of the executive. As this study has endeavored to show, the Virginia Legislature, whether sitting as the House of Burgesses or as a Convention, did not blindly follow English precedents; but <sup>adopted</sup> ~~followed~~ English institutions, changing and transforming them to meet local conditions, modifying and altering them to fill colonial needs. It is probable that <sup>four</sup> ~~three~~ influences entered into the adoption of the Virginia Committee of Safety: first, the Committees of Safety of the Puritan Revolution in England, which most likely determined the name of the Virginia analogue; secondly, the recommendation of the Continental Congress unquestionably influenced its appointment; thirdly, the necessity of providing some central power to perform administrative acts, during the recess of the Convention; fourthly, the legislative experience of the colony <sup>which</sup> ~~had~~ taught them to adapt the standing recess committee to local needs. It is impossible to say which of these influences was strongest. It seems likely that all ~~the~~ were determining factors in the appointment of the Committee/ and that the most potent influences were the last three. <sup>67</sup>

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67 Hunt, The Provincial Committees of Safety of the American Revolution. In chapter v, pages 156 to 171, Miss Hunt discusses the "Origin of the Committees of Safety."





The Virginia Committee of Safety was continued by the Virginia Convention, of May-July, 1776, to the end of the session, which closed on July 5th, of that year. It had lasted from its appointment by the Convention, on August 16th, 1775, to December 16th, 1775, when a new Committee of practically the same membership was chosen. This second Committee of Safety, whose term expired with the convening of the Convention, on May 6th, 1776, was continued by a resolution of the Convention until the dissolution of that body on July 5th.<sup>68</sup> While the Journals of the Committee of Safety are incomplete, enough of its proceedings have come down to us, to enable the historian to form a clear idea of its functions, and the manner in which they were performed.<sup>69</sup> No one can inspect the Journals of its proceedings, without being impressed with the magnitude and importance of the work that it performed. While there was little of the spectacular in its daily routine, there is not the slightest room to doubt that its time was fully occupied, and that its members and clerks led a busy life. The importance of the duties it performed for the American cause, would be hard to overestimate. With the formation of the new government, the duties performed by the Committee of Safety, devolved upon the newly elected Governor and his Privy Council, the Committee of Safety that for nearly a year had acted

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<sup>68</sup> Force, American Archives, 4th Series, iii, 384; iv, 77, 87; vi, 1643.

<sup>69</sup> A Journal of the Virginia Committee of Safety, from February 7th, 1776 to July 5th, 1776, was published in the Virginia Calendar of State Papers, vol. viii, pp. 75 to 239, by H.W. Flournoy, in 1890.. There is another record of the Committee of Safety, from September 18th, 1775 to May 7th, 1776, in the State Library Archives, in Richmond, Va. It is catalogued, number 178. The overlapping of dates is explained by the fact that entries were sometimes recorded in the "other minute Book." alluded to on page 181 of vol. viii, Calendar of Virginia State Papers, The two books being used synchronously



as the executive power in Virginia passing out of existence.

During the period in which they worked along with the Committee of Safety, the County Committees underwent little change, save in the broadening of their field of activities. The duties that devolved upon them, through their cooperation with the Committee of Safety, in the enlistment, organizing, and equipping of the colony's forces, were not only broader and more important than any they had heretofore performed, but they were defined by the ordinances of Convention; so that, instead of being regarded as extra-legal, they took on a quasi legal character. Furthermore, the election of the County and District Committees ~~was~~<sup>was</sup> regulated by an ordinance, which conformed in most respects to the regular election laws of the colony. Upon five members of each County Committee, appointed for that purpose, fell the duty of acting as judges of a Court of Inquiry to punish breaches of the Continental Association and to deal with cases of Tory suspects. The selection of the District Committees, was also dependent upon the County Committees within each District, for the District Committee was composed of deputies sent up ~~from~~ from each County Committee in the District. These were the added functions of the County Committees that seem to have been of most importance.

By the provisions of the new form of government, adopted by the Convention, on June 29th, 1776, the Convention became the first House of Delegates, under the new Constitution. This Convention had revived the system of standing legislative committees that had played so important a part in the deliberations of the Virginia House of Burgesses. At least three of the regular standing committees were appointed in the session of the Convention, at which the new form of government was adopted. At the opening of this session, one notices the appointment of the



following committees: privileges and elections, propositions and grievances, and public claims; and it is most significant, that there is, in the personnel of these standing committees, a marked continuity, - a considerable number of their membership having served on the same committees in the House of Burgesses. Just as the House of Burgesses had become the Convention, during the period of transition; and the Convention had, in turn, become the lower ~~House~~ of the ~~General~~ Assembly, under the new Constitution: so the system of standing legislative committees had passed from the House of Burgesses into the Convention; and thence into the House of Representatives, where it was destined to play so important a part in the shaping of American governmental institutions. In adapting the English standing committee system to colonial legislative procedure, the House of Burgesses had builded better than it knew. Its modification of the English system of large unwieldy committees, rapidly passing into a state of disuse in the House of Commons, had given to the system new life, had <sup>in</sup>corporated it to meet the needs of a democratic representative body. To the old unwieldy system of the British Commons, transmuted into select committees that were workable, had been added new standing committees, which had been created to meet pressing colonial needs. Important standing committees, with power to act in the recess between sessions of the ~~Assembly~~, had been created, or added to the system. Of these, the most important was the Committee of Correspondence, formed to transact business with the colonial agent, but eventually utilized as an aid to colonial union in the calling of the first Continental Congress.

Whatever may have been the nature of the so-called revolutionary



committees in other American Colonies, in Virginia they were unquestionably the choice of a majority of the qualified electorate. As viewed by the British Ministry, and its adherents, thoroughly imbued with the doctrine of Parliamentary omnipotence and blinded by its corollary legal fiction of virtual representation, these committees were only illegal and revolutionary bodies: but to the legally qualified electorate of Virginia, by whom they were chosen and for whom they acted, these committees had back of them the authority of the people for whom they spoke. The representatives of the people <sup>had been</sup> denied the right of meeting in their assembly to enact laws for the government of the colony in the manner to which they had been accustomed for many years. Principles that they had grown used to look upon as the fundamental law of the land, confirmed by usage of many years, by custom, and by precedent, had been arbitrarily set aside. The Governor, sent out to govern the colony, had first abandoned his post of duty, and then made war on the people he had been sent out to <sup>rule</sup> ~~govern~~. Every thing in the colony seemed upturned. Thus the representatives of the people, prevented from enacting laws by the arbitrary action of the Ministry and Lord Dunmore, and deprived of the executive power, so necessary in performing all administrative acts, had created new agencies, - the Convention, the Committee of Safety, the District Committees, and the County Committees of Inspection <sup>and</sup> Observation. The current of representation, blocked off from its usual outlet, had created new channels, through which it could flow. In the creation of the new State Government, the Virginia representatives broke the few remaining bonds that held the colony to the mother country, whose ideas of representation she had long outgrown.

In the adoption of the famous Bill of Rights, the drafting of the





new Constitution, and the formation of the State Government, the representatives of the <sup>Virginia</sup> people had vindicated their faith in representative institutions, and proved to the world their capacity for local self-government; but their action was more far-reaching than the confines of the Old Dominion. The same resolution that provided for a total separation of the colony from Great Britain, a Declaration of Rights, and the formation of the new Constitution, instructed the Virginia delegates in the Continental Congress to move, in that body, a total separation of the United Colonies from Great Britain.<sup>70</sup> Acting pursuant to this resolution, Richard Henry Lee, on June 7th, 1776, moved in Congress:

"That these united colonies are, and of ~~a~~ right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be totally dissolved.

"That it is expedient forthwith to take the most effectual measures for forming foreign alliances.

"That a plan of confederation be prepared and transmitted to the respective colonies for their consideration."

The action of Congress on this motion, resulted in the Declaration of Independence, drafted by Thomas Jefferson, and adopted by the Congress, on July 4th, 1776. The Virginia Committees had established a Commonwealth and united the States in the germinal principle of a nation. The developments of the next decade would bring the nation into life.

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<sup>70</sup> Force, American Archives, 4th Series, vi, 1824, Virginia Convention May to July, 1776.



#### VITA.

James Miller Leake was born in Ashland, Virginia, October 1, 1879. He received his secondary education in the Ashland Public Schools receiving his diploma from the Ashland High School in 1897. He was a student at Randolph-Macon College, Ashland, Virginia, from 1897 to 1902, being graduated from that institution with the degree of A.B. During 1901-02 and 1902-03 he was instructor in French and English at Randolph-Macon College, and during the latter session also taught in the Ashland High School. From 1903 to 1906 he was in business in Ashland and Richmond holding positions with the Virginia Fire and Marine Insurance Company, the Life Insurance Company of Virginia, and the Times-Dispatch. During 1909-10 and 1910-11 he was Principal of the Ashland High School, resigning that position in 1911 to enter Johns Hopkins University, where he has pursued graduate study in history, political science, and political economy for the past three sessions. During 1912-13 he held a Virginia scholarship and in 1913-14 was Fellow in history.









